



Cleveland Board of Zoning Appeals

Monday March 21, 2022

****PLEASE MUTE YOUR MICROPHONE****

Kelley Britt, Board Chair

Elizabeth Kukla, Secretary

Cleveland Board of Zoning Appeals

March 21, 2022

Preamble

IN COMPLIANCE WITH NOTIFICATION REQUIREMENTS OF THE CITY'S OPEN MEETING LAW, AND SECTION 101.021 OF THE CODIFIED ORDINANCES OF CLEVELAND, OHIO, 1976, NOTICE OF THIS MEETING HAS BEEN PUBLICLY POSTED.

ALL BOARDS AND COMMISSIONS UNDER THE PURVIEW OF THE CITY PLANNING DEPARTMENT CONDUCTS ITS MEETINGS ACCORDING TO ROBERT'S RULES OF ORDER. ACTIONS DURING THE MEETING WILL BE TAKEN BY VOICE VOTE. ABSTENTIONS FROM ANY VOTE DUE TO A CONFLICT OF INTEREST SHOULD BE STATED FOR THE RECORD PRIOR TO THE TAKING OF ANY VOTE.

IN ORDER TO ENSURE THAT EVERYONE PARTICIPATING IN THE MEETING HAVE THE OPPORTUNITY TO BE HEARD, WE ASK THAT YOU USE THE RAISE HAND FEATURE BEFORE ASKING A QUESTION OR MAKING A COMMENT. THE RAISE HAND FEATURE CAN BE FOUND IN THE PARTICIPANTS PANEL ON THE DESKTOP AND MOBILE VERSION AND ACTIVATED BY CLICKING THE HAND ICON. PLEASE WAIT FOR THE CHAIR OR FACILITATOR TO RECOGNIZE YOU AND BE SURE TO SELECT UNMUTE AND ANNOUNCE YOURSELF BEFORE YOU SPEAK.

WHEN FINISHED SPEAKING, PLEASE LOWER YOUR HAND BY CLICKING ON THE RAISE HAND ICON AGAIN AND MUTE YOUR MICROPHONE.

WE WILL ALSO BE UTILIZING THE CHAT FEATURE TO COMMUNICATE WITH PARTICIPANTS. THE CHAT FEATURE CAN BE ACTIVATED BY CLICKING THE CHAT BUTTON LOCATED ON THE BOTTOM OF THE WEBEX SCREEN.

CALL-IN USERS CAN UNMUTE BY USING *6

Participants (3)

Search

Raise Hand

Mute/Unmute

City Planning Me

John Smith Host

Mike Public

Mute

Stop video

Share

Record

Participants

Chat

Participants Panel

Chat Panel

Cleveland Board of Zoning Appeals

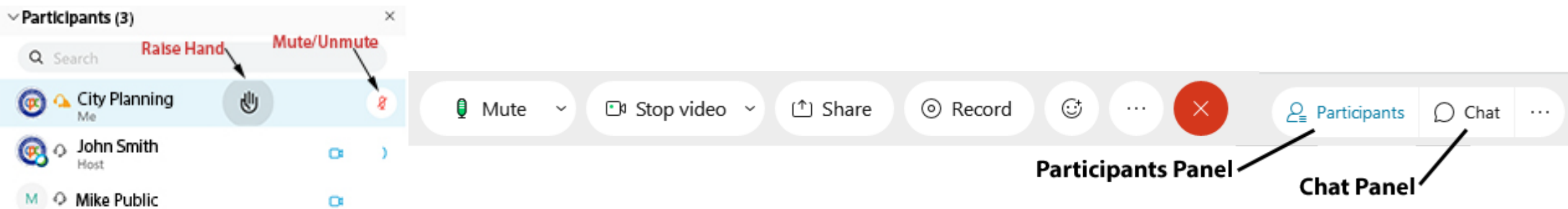
March 21, 2022

Preamble

**ALL MEETING ACTIVITY IS BEING RECORDED VIA THE WEBEX PLATFORM.
THESE PROCEEDINGS ARE ALSO BEING LIVE STREAMED VIA YOUTUBE FOR PUBLIC
VIEW.
WE HAVE PROVIDED A LINK TO THE MEETING FOR THOSE WHO WISH TO SPEAK ON A
PARTICULAR CASE VIA OUR WEBSITE AND EMAIL.**

ALL REQUESTS TO SPEAK ON A PARTICULAR MATTER HAVE BEEN CONSIDERED.

**WE HAVE ALSO RECEIVED EMAILS FROM THOSE WHO HAVE PROVIDED WRITTEN
COMMENT ON A PARTICULAR MATTER.**



Cleveland Board of Zoning Appeals

Call to Order & Roll Call



Cleveland Board of Zoning Appeals

Postponements/Withdrawals





Postponements

Calendar No. 21-181:

3733 East 65th Street

Ward 12

Ran Romano, owner, propose to establish seven (7) residential units and three commercial units in a B1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04 which states that thirteen (13) parking spaces are required and nine (9) parking spaces are proposed.
2. Section 349.07 which states that accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials approved by the Director of Building and Housing, maintained in good condition and free of debris and trash. The driveway used to provide accessibility to accessory off-street parking spaces shall be so located and arranged to minimize traffic congestion; proposed driveway use is not on subject parcel nor in the same ownership.
3. Section 349.08 which states that where five (5) or more accessory off-street parking spaces are provided, and are located on a lot that is adjacent to a Residence District or that adjoins a building containing dwelling units, such parking spaces shall be screened from all adjoining lots in the Residence District or a building containing dwelling units, by an opaque wall, a uniformly painted fence of fire-resistant material or a strip of land at least four (4) feet wide and densely planted with shrubs that form a dense screen year-round. Such wall, fence or shrubs shall be at least three (3) feet, but not more than six (6) feet six (6) inches in height. However, such wall, fence or shrubs located within twenty-five (25) feet of the intersection of two (2) or more streets or the intersection of an access driveway and a street, shall have a maximum height of three (3) feet and a minimum height of two (2) feet.
4. Section 352.11 which states that a 10-foot-wide landscape strip is required.
5. Section 352.04 which states that a landscape plan is required (Filed November 8, 2021)

Cleveland Board of Zoning Appeals

Public Hearing



Public Hearing

NO. 22-011

Appeal of Kevin Sullivan/Tow Truck application LUOU21-00187:

Kevin Sullivan appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) from the decision of the Commissioner of Assessments and Licenses to deny application LUOU21-00187 (Filed February 7, 2022).



Public Hearing



NO. 22-011

Appeal of Kevin Sullivan/Tow Truck application LUOU21-00187:

SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



NO. 22-011

Appeal of Kevin Sullivan/Tow Truck application LUOU21-00187:

LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is appealing an administrative decision. The standard of review to be applied is whether the administrative decision was illegal, arbitrary, capricious, unreasonable or unsupported by the preponderance of substantial, reliable, and probative evidence. If the Appellant fails to meet this burden, the administrative decision must be affirmed.



CITY OF CLEVELAND
Mayor Frank G. Jackson

CITY OF CLEVELAND
DEPARTMENT OF FINANCE
Division of Assessments and Licenses
601 Lakeside Avenue, Room 122
Cleveland, Ohio 44114

Phone: 216.664.2264

Hours of Operation
8am to 5pm Weekdays

DALPermits@city.cleveland.oh.us

Date

We are returning your Application and/or Payment for the following reasons:

<input type="checkbox"/>	Application not completed. Each question must be completed.
<input type="checkbox"/>	Application not signed.
<input type="checkbox"/>	Application not notarized.
<input type="checkbox"/>	Affidavit not signed and notarized.
<input type="checkbox"/>	Incorrect fee was submitted. Please send fee of \$_____.
<input type="checkbox"/>	Check not signed.
<input type="checkbox"/>	Check is made out incorrectly (i.e. Department of Public Health)
<input type="checkbox"/>	Fee was not enclosed.
<input type="checkbox"/>	Please return check with original invoice so that it can be routed to correct City Department or Division.
<input type="checkbox"/>	Appeal Notice must be sent to the Board of Zoning Appeals, accompanied by a fifty dollar (\$50.00) check or money order, made payable to the City of Cleveland. 601 Lakeside Avenue, Room 516, Cleveland, Ohio 44114 or contact (216) 664-2580
<input checked="" type="checkbox"/>	Other

** Please fill out attached form and submit to highlighted address on last page of form. Thank you **

Please return to:

City of Cleveland
Division of Assessments and Licenses
Attn: _____
601 Lakeside Avenue, Room 122
Cleveland, Ohio 44114

If you have any questions regarding this form, please contact me at 216.664._____

** No form attached to application - E.A. Kukla*

HILOW & SPELLACY LLC

HENRY J. HILOW LLC

KEVIN M. SPELLACY LLC

Attorneys at Law

November 30, 2021

Mr. Dedrick Stephans, CFE, Commissioner
Division of Assessments and Licenses
601 Lakeside Ave., Room 122
Cleveland, Ohio 44114

22-011

RE: Kevin Sullivan
Offense 12/11/2020
Conclusion 3/19, 2021
Tow Truck Application: LVOV21-00187

Dear Mr. Stephans,

Please be advised that Mr. Kevin Sullivan has retained this office to represent him in the above captioned matter. Mr. Sullivan was not convicted of Driving a Motor Vehicle Under The Influence of Intoxication. He plead guilty March 19, 2021 to \$4511.194, Physical Control before the Honorable Judge Torres-Lugo. Further his ALS suspension was terminated, Immediately (see Exhibit). It is for the above stated reasons we are appealing the decision to deny his tow truck driver application.

Your attention to this matter is appreciated.

Very truly yours,



Henry J. Hilow

HJH/mag

323 W. Lakeside Avenue • Suite 200 • Cleveland, OH 44113
phone 216.344.9220 • fax 216.664.6999

Henry J. Hilow
hhilow@mghslaw.com

Kevin M. Spellacy
kspell@mghslaw.com

2020 TRC 022611 STATE OF OHIO / CITY OF CLEVELAND -VS- SULLIVAN, KEVIN B JTL

Case Type	TRC - TRAFFIC-DUI	Action:	DRIV UNDER INFLUENCE ALC/DRUG OR COMBINATION OF THEM
Case Status:	CLOSED		
File Date:	12/14/2020		
		Next Event:	

All Information Party Charge Ticket/Citation # Event Docket Financial Receipt Disposition

Party Information

SULLIVAN, KEVIN B - DEFENDANT

DOB	01/13/1958	Address	1291 ETHEL AVE LAKEWOOD, OH 44107
Disposition	Disposed		
Disp Date		Alias	

Party Attorney

More Party Information

MORALES, HIRAM - OFFICER/COMPLAINANT

DOB		Address	OHIO STATE HIGHWAY PATROL POST 18 5225 WEST 140TH STREET BROOK PARK, OH 44142
Disposition			
Disp Date			

Alias Party Attorney

More Party Information

Party Charge Information

SULLIVAN, KEVIN B - DEFENDANT

Charge # 1 :
4511.194 - Misdemeanor 1st Degree HAVING PHYSICAL CONTROL OF VEHICLE WHILE UNDER THE INFLUENCE

Original Charge	4511.194A DRIV UNDER INFLUENCE ALC/DRUG OR COMBINATION OF THEM (Misdemeanor 1st Degree)	Ticket #	OHP180194121220200 048
Amended Charge	4511.194 HAVING PHYSICAL CONTROL OF VEHICLE WHILE UNDER THE INFLUENCE (Misdemeanor 1st Degree)	Place of Offense	OHIO STATE HIGHWAY PATROL
		Offense Location	
		Date of Offense	12/11/2020
		Complainant	

Party Charge Disposition
Disposition Date
Disposition
03/19/2021
FOUND GUILTY (REPORT TO
BMV)

SULLIVAN, KEVIN B - DEFENDANT

Charge # 2 :
4511.33 - Minor Misdemeanor DRIV IN MARKED LANES

Original Charge	4511.33 DRIV IN MARKED LANES (Minor Misdemeanor)	Ticket #	OHP180194121220200 048
Amended Charge		Place of Offense	OHIO STATE HIGHWAY PATROL
		Offense Location	
		Date of Offense	12/11/2020
		Complainant	

Party Charge Disposition
Disposition Date

EXHIBIT

Disposition
03/19/2021
NOLLE

SULLIVAN, KEVIN B - DEFENDANT

Charge # 3:

4513.263B1 - Minor Misdemeanor SEATBELT LAW - DRIVER

Original Charge 4513.263B1 SEATBELT LAW - DRIVER (Minor
Misdemeanor)
Amended Charge

Ticket # OHP180194121220200
048
Place of Offense OHIO STATE HIGHWAY
PATROL
Offense
Location
Date of Offense 12/11/2020
Complainant

Party Charge Disposition

Disposition Date
Disposition
03/19/2021
NOLLE

Ticket/Citation #

Citation # : OHP180194121220200048 - OHIO STATE HIGHWAY PATROL Offense Date 12/11/2020

Agency OHIO STATE HIGHWAY PATROL
Officer MORALES, HIRAM(0194)
Second Officer
Complainant

Speed Cited
Speed Limit
Location I90
Insured/Proof N
Accident N
Work Zone
Haz Mat
Points 0

Plate PJQ 2441
State OH
Year 2005
Type Passenger Automobile

Events

Date/Time	Location	Type	Result	Event Judge
12/17/2020 02:00 PM	3rd Floor Courtroom B	Traffic Arraignment	NOT GUILTY PLEA ENTERED	Criminal, Judge/Magistrate
01/12/2021 09:00 AM	MEETING ID: 234 432 0978 PASSWORD: 209248	Case scheduled for pretrial hearing.	HEARING CANCELLED	Torres-Lugo, Jazmin G.
01/12/2021 09:00 AM	13th Floor Courtroom C	Case scheduled for pretrial hearing.	Continued at Defendants request.	Torres-Lugo, Jazmin G.
02/04/2021 09:00 AM	13th Floor Courtroom C	Case scheduled for pretrial hearing.	Continued at Defendants request.	Torres-Lugo, Jazmin G.
02/23/2021 09:30 AM	13th Floor Courtroom C	Case scheduled for pretrial hearing.	Continued at Defendants request.	Torres-Lugo, Jazmin G.
03/18/2021 09:30 AM	MEETING ID: 234 432 0978 PASSWORD: 209248	Case scheduled for pretrial hearing.	GUILTY / NO CONTEST TO AMENDED / REDUCED CHARGE(S)	Torres-Lugo, Jazmin G.

Docket Information

Date	Docket Text	Amount Owed
12/14/2020	COMPLAINT HAS BEEN RECEIVED AND IS HEREBY FILED Charge #3: SEATBELT LAW - DRIVER	
12/14/2020	COMPLAINT HAS BEEN RECEIVED AND IS HEREBY FILED Charge #1: DRIV UNDER INFLUENCE ALC/DRUG OR COMBINATION OF THEM	

Date	Docket Text	Amount Owed
12/14/2020	COMPLAINT HAS BEEN RECEIVED AND IS HEREBY FILED Charge #2: DRIV IN MARKED LANES	
12/14/2020	BASIC COURT COSTS Charge #1: DRIV UNDER INFLUENCE ALC/DRUG OR COMBINATION OF THEM Receipt: 983932 Date: 03/25/2021	\$141.00
12/14/2020	Financial responsibility (insurance) not shown.	
12/14/2020	Hearing Scheduled: Event: Traffic Arraignment Date: 12/17/2020 Time: 2:00 pm Judge: Criminal, Judge/Magistrate Location: 3rd Floor Courtroom B	
12/15/2020	NOTICE OF APPEARANCE / NOT GUILTY PLEA / WAIVER OF TIME / REQUEST FOR PRETRIAL / FILED BY DEFENSE COUNSEL.	
12/15/2020	Defendant entered not guilty plea. Charge #1: DRIV UNDER INFLUENCE ALC/DRUG OR COMBINATION OF THEM	
12/15/2020	Defendant entered not guilty plea. Charge #2: DRIV IN MARKED LANES	
12/15/2020	Defendant entered not guilty plea. Charge #3: SEATBELT LAW - DRIVER	
12/15/2020	CASE ASSIGNED TO THE PERSONAL DOCKET OF: Participant(s): Judge Jazmin G. Torres-Lugo	
12/16/2020	SUMMONS ISSUED BY CLERK	
12/16/2020	Issue Date: 12/16/2020 Service: SUMMONS ORDERED ISSUED Method: (CR) REGULAR MAIL Cost Per: \$ SULLIVAN, KEVIN B 1291 ETHEL AVE LAKEWOOD, OH 44107 Tracking No: U000035343	
12/17/2020	Case continued. Event: Case scheduled for pretrial hearing. Date: 01/12/2021 Time: 9:00 am Judge: Torres-Lugo, Jazmin G. Location: MEETING ID: 234 432 0978 PASSWORD: 209248 Result: Continued at Defendants request.	
01/12/2021	Attorney of record is: _Henry Hillow_.	
01/12/2021	A SUMMONS IS ORDERED ISSUED FOR THE DEFENDANT'S APPEARANCE	\$0.00
01/12/2021	Case continued at defendants request. The following event: Case scheduled for pretrial hearing. scheduled for 01/12/2021 at 9:00 am has been resulted as follows: Result: Continued at Defendants request. Judge: Torres-Lugo, Jazmin G. Location: MEETING ID: 234 432 0978 PASSWORD: 209248 Receipt: 983932 Date: 03/25/2021	\$10.00
01/12/2021	Case continued. Event: Case scheduled for pretrial hearing. Date: 02/04/2021 Time: 9:00 am Judge: Torres-Lugo, Jazmin G. Location: MEETING ID: 234 432 0978 PASSWORD: 209248	
01/13/2021	SUMMONS ISSUED BY CLERK	

Date	Docket Text	Amount Owed
01/13/2021	REGULAR MAIL ISSUED Issue Date: 01/13/2021 Service: SUMMONS ORDERED ISSUED Method: (CR) REGULAR MAIL Cost Per: \$ SULLIVAN, KEVIN B 1291 ETHEL AVE LAKEWOOD, OH 44107 Tracking No: U000037230	
02/04/2021	Attorney of record is: <u>ATTY HENRY HILLOW</u>	
02/04/2021	Journal Entry note: DISC/ ON GOING	
02/04/2021	A SUMMONS IS ORDERED ISSUED FOR THE DEFENDANT'S APPEARANCE	\$0.00
02/04/2021	Case continued at defendants request. The following event: Case scheduled for pretrial hearing. scheduled for 02/04/2021 at 9:00 am has been resulted as follows: Result: Continued at Defendants request. Judge: Torres-Lugo, Jazmin G. Location: MEETING ID: 234 432 0978 PASSWORD: 209248 Receipt: 983932 Date: 03/25/2021	\$10.00
02/04/2021	Case continued. Event: Case scheduled for pretrial hearing. Date: 02/23/2021 Time: 9:30 am Judge: Torres-Lugo, Jazmin G. Location: MEETING ID: 234 432 0978 PASSWORD: 209248	
02/05/2021	SUMMONS ISSUED BY CLERK	
02/05/2021	REGULAR MAIL ISSUED Issue Date: 02/05/2021 Service: SUMMONS ORDERED ISSUED Method: (CR) REGULAR MAIL Cost Per: \$ SULLIVAN, KEVIN B 1291 ETHEL AVE LAKEWOOD, OH 44107 Tracking No: U000038749	
02/24/2021	Attorney of record is: <u>HILLOW</u>	
02/24/2021	A SUMMONS IS ORDERED ISSUED FOR THE DEFENDANT'S APPEARANCE	\$0.00
02/24/2021	Case continued at defendants request. The following event: Case scheduled for pretrial hearing. scheduled for 02/23/2021 at 9:30 am has been resulted as follows: Result: Continued at Defendants request. Judge: Torres-Lugo, Jazmin G. Location: MEETING ID: 234 432 0978 PASSWORD: 209248 Receipt: 983932 Date: 03/25/2021	\$10.00
02/24/2021	Case continued. Event: Case scheduled for pretrial hearing. Date: 03/18/2021 Time: 9:30 am Judge: Torres-Lugo, Jazmin G. Location: MEETING ID: 234 432 0978 PASSWORD: 209248	
02/25/2021	SUMMONS ISSUED BY CLERK	

Date	Docket Text	Amount Owed
02/25/2021	REGULAR MAIL ISSUED Issue Date: 02/25/2021 Service: SUMMONS ORDERED ISSUED Method: (CR) REGULAR MAIL Cost Per: \$ SULLIVAN, KEVIN B 1291 ETHEL AVE LAKEWOOD, OH 44107 Tracking No: U000040013	
03/19/2021	HAVING BEEN FOUND GUILTY, THE DEFENDANT IS SENTENCED TO 180 DAYS OF INCARCERATION AT THE CLEVELAND HOUSE OF CORRECTIONS. 180 DAYS OF INCARCERATION ARE HEREBY SUSPENDED. Charge #1: HAVING PHYSICAL CONTROL OF VEHICLE WHILE UNDER THE INFLUENCE	
03/19/2021	ON THE PROSECUTOR'S MOTION, THIS MATTER MARKED NOLLE PROSEQUI. DEFENDANT IS DISCHARGED ACCORDINGLY. Charge #2: DRIV IN MARKED LANES	
03/19/2021	ON THE PROSECUTOR'S MOTION, THIS MATTER MARKED NOLLE PROSEQUI. DEFENDANT IS DISCHARGED ACCORDINGLY. Charge #3: SEATBELT LAW - DRIVER	
03/19/2021	Prosecutor amended charge to 4511.194 HAVING PHYSICAL CONTROL OF VEHICLE WHILE UNDER THE INFLUENCE. Charge #1: HAVING PHYSICAL CONTROL OF VEHICLE WHILE UNDER THE INFLUENCE	
03/19/2021	FINE AMOUNT DUE Charge #1: HAVING PHYSICAL CONTROL OF VEHICLE WHILE UNDER THE INFLUENCE Receipt: 983932 Date: 03/25/2021	\$400.00
03/19/2021	Administrative license suspension (ALS) terminated.	
03/19/2021	Attorney of record is: Hillow.	
03/19/2021	Community Control Conditions: no new cases - no refusals	
03/19/2021	This is defendants 0 OVI within 10 years.	
03/19/2021	Defendant ordered to inactive community control supervision for 6 mos. Receipt: 983932 Date: 03/25/2021	\$25.00
03/19/2021	Defendant is hereby granted time to pay the fine/costs assessed prior to: 6/30/2021 ttp fee waived	\$15.00
03/19/2021	Fine and costs amounts due until waiver is paid or defendant found guilty Charge #1: HAVING PHYSICAL CONTROL OF VEHICLE WHILE UNDER THE INFLUENCE	\$400.00
03/22/2021	DEFENDANT IS REFERRED TO THE PROBATION/COMMUNITY CONTROL DEPARTMENT FOR INTERVIEW AND INSTRUCTION.	
03/25/2021	PAYMENT MADE ONLINE	
03/25/2021	FINE AND/OR COURT COSTS HAVE BEEN PAID.	
05/12/2021	ADMINISTRATIVE LICENSE SUSPENSION IS TERMINATED HAS BEEN SENT TO THE OHIO BUREAU OF MOTOR VEHICLES. (FAXED)	

Financial Summary

Cost Type	Amount Owed	Amount Paid	Amount Adjusted	Amount Outstanding
COSTS	\$55.00	\$55.00	\$0.00	\$0.00
FEE	\$15.00	\$0.00	1 \$15.00	\$0.00
FINE	\$800.00	\$400.00	1 \$400.00	\$0.00
BASIC COURT COST (F)	\$141.00	\$141.00	\$0.00	\$0.00
	\$1,011.00	\$596.00	\$415.00	\$0.00

Receipts

Receipt Number	Receipt Date	Received From	Payment Amount
983932	03/25/2021	Kevin Sullivan	\$596.00
			\$596.00

Case Disposition

Disposition	Date
(AJ) TRANSFER FROM AJ TO IJ	12/15/2020
(IJ) GLTY/NO CONT TO REDUCED CHARGE	03/19/2021



**AUTOMATIC
PAYMENT
AUTHORIZATION**

CITY OF CLEVELAND
DEPARTMENT OF FINANCE
Division of Assessments and Licenses
601 Lakeside Avenue, Room 122
Cleveland, Ohio 44114

Phone: 216.664.2174 Hours of Operation: 8am to 5pm Weekdays Secured Fax: 216.420.7804

Application Type (i.e. Food, License, Street Permit, Tow Truck, Vendor)
Billing Type (i.e. Assessments, Taxes, EMS, Vacant Properties, Weights & Measures)
Applicant / Business Name: **Bold R Enterprises dba Better Together Solar**

☒ One-Time Transaction Only
☐ Payment Information on File (Applicable Only to Street Permits)

ACCOUNT HOLDER INFORMATION

Name on Account/Card: **Carol Galloway** Account Address: **3821 Prospect Ave**
Company Name: Contact **Carol Galloway** **Cleveland, OH 44115**
Email: **carol@bt.solar**
Invoice or Record Number: Account Phone: **216-236-3786**

ACCOUNT INFORMATION
Credit Card

Credit Card Type: _____
Credit Card Number: _____
Expiration Date: _____

TERMS

I, the above named Account Holder (see "Account Holder Information") authorize the City of Cleveland, Ohio ("City") to automatically charge my account (see "Account Information") or initiate scheduled deductions in the amount due and owing for any permit fee and/or service charges that may already exist or hereinafter accrue. I authorize the financial institution identified by the credit card or routing number (see "Account Information") to accept the charges or post entries to the account stated above. I represent that I am the owner and/or authorized signer of the account. This authorization shall be valid for all future payments that may become due, until this agreement is cancelled.

I understand that the City will not send me a bill before scheduled payments are processed and that it is my responsibility to ensure sufficient credit or funds are available at the time of each scheduled payment. I also understand that in addition to any fees charged by my bank, the City will charge a NSF fee of up to \$25.00 if my payment is dishonored or returned for any reason. On such an event, I may be removed from the automatic monthly payment authorization program in the full and complete discretion of the City. This authorization is to remain in full force and effect until the City receives a written request from me to cancel the authorization or until the City elects to cancel this Agreement.

I understand that if any due date falls on a weekend or holiday, the City will process the payment on the following business day. I agree to hold the City harmless against all claims related to the processing of payments pursuant to this authorization that I may now have or hereafter accrue. By signing below, I acknowledge that I have read and understand this Agreement.

ACCEPTANCE

I, the above named Account Holder, accept, acknowledge, and agree to the terms contained in this authorization Agreement.

OFFICE USE ONLY
Date Received: _____
Tracking Number: _____
Processed By: _____

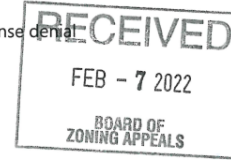
Carol Galloway
Signature
Carol Galloway
Print Name
1/19/2022
Date

Credit Cards Accepted:
Visa, MasterCard, American Express, Discover
Rev. 01/2019

Form B0003

Kukla, Elizabeth

From: Talton, LaRhonda
Sent: Monday, February 7, 2022 2:35 PM
To: Kukla, Elizabeth
Subject: RE: Kevin Sullivan - Tow Truck License denial
Attachments: Kevin Sullivan TTD Denial.pdf



Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Mrs. Kukla:

The requested documentation is attached. Please let me know if you require any additional information. Thank you.

LaRhonda Talton, Assistant Commissioner
Division of Assessments and Licenses
601 Lakeside Avenue, Room 122
Cleveland, OH 44114
P: 216-664-7479|F: 216-664-4592

From: Stephens, Dedrick
Sent: Friday, February 4, 2022 3:22 PM
To: Talton, LaRhonda <LTalton@clevelandohio.gov>
Subject: FW: Kevin Sullivan - Tow Truck License denial

Please assist BOZA

From: Kukla, Elizabeth <Ekukla@clevelandohio.gov>
Sent: Friday, February 04, 2022 3:20 PM
To: Assessments & Licenses Permits <DALPermits@clevelandohio.gov>; Stephens, Dedrick <DStephens@clevelandohio.gov>
Subject: Kevin Sullivan - Tow Truck License denial

Hello Director Stephens, Kevin Sullivan has appealed a decision from Assessments and Licenses. Please send me the documentation you have on his case so that I can make it part of our file. It seems that there should be a denial letter somewhere but it was not submitted.
Hope to hear from you soon as we are trying to schedule this for a hearing.

Elizabeth Kukla-Secretary
Board of Zoning Appeals
601 Lakeside Avenue, Rm 516
Cleveland OH 44114
(216)664-2581



City of Cleveland
Frank G. Jackson, Mayor

Department of Finance
Division of Assessments & Licenses
601 Lakeside Avenue, Room 122
Cleveland, Ohio 44114-1085
216/664-2260
www.city.cleveland.oh.us

October 26, 2021

KEVIN SULLIVAN
UNITED TOWING COMPANY
1291 ETHEL ROAD
LAKEWOOD, OH, 44107

Dear KEVIN SULLIVAN,

The Tow Truck Driver application # LUOU21-00187 has been denied.

The application was denied for the following reason(s):

- DRIVING A M.V. UNDER THE INFLUENCE OF INTOXICATING LIQUORS OR DRUGS
OFFENSE: 12/11/2020
CONVICTION DATE: 3/19/2021

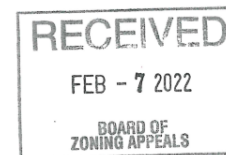
Pursuant to Section 76-7 of the Charter of the City of Cleveland, you have the right to appeal this decision. Notice of this appeal must be received by this office within ten (10) days from the date of this letter. Your appeal must be accompanied by a fifty dollar (\$50.00) check or money order, made payable to the City of Cleveland.

If you have any questions regarding this notice, please contact this office at (216) 664-2260. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Dedrick C. Stephens", followed by a horizontal line.

Dedrick C. Stephens, CFE, Commissioner
Division of Assessments and Licenses





Division of Assessments and Licenses
601 Lakeside Avenue, Room 122
Cleveland, OH 44114
(216) 664-7479

2020-2021 Tow Truck Driver Approval Tracking Sheet

DIVISION OF ASSESSMENTS AND LICENSES

Applicant's Name: Kevin Bradley Sullivan

Applicant's Address: 1291 Ethel Ave.

City: Lakewood

State: Ohio

Zip: 44107

Applicant's Date of Birth: 1/13/1958

Social Security Number: 292-44-7215

Applicant's Phone Number: 216-344-0986

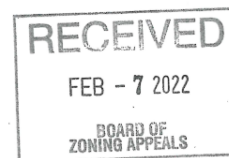
Date forwarded to Vehicle Custodial Unit: 10/1/2021

Initials: LV

VEHICLE CUSTODIAL UNIT - IMPOUND LOT 2		Yes	No
Recommendation for License			
If No, Explain			✓
CONDITIONS BARRING ISSUANCE			
OF A LICENSE - 677A.15 : B : " DRIVING A M.V. UNDER			
THE INFLUENCE OF INTOXICATING LIQUORS OR DRUGS . . . "			
OFFENSE : 12-11-2020			
CONVICTION DATE : 03-19-2021			
Signature	Hsn Autroni Sr. #907		
Date	10-70-2021		

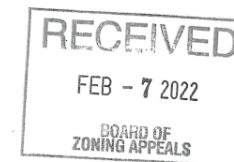
Forward to LaRhonda Talton, Division of Assessment and Licenses once completed

DIVISION OF ASSESSMENTS AND LICENSES (COMMISSIONER REVIEW ONLY)		APPROVED	DISAPPROVED
Application Status			
Signature			
Date			



OVER

IF DENIED, INDICATE REASON(S)	Yes	No
Manslaughter or negligent homicide, resulting from the operation of a motor vehicle		✓
Driving a motor vehicle while under the influence of intoxicating liquors or drugs. A conviction under this subsection shall not bar the issuance of a license if the conviction occurred more than five years prior to the date of application or, upon a recommendation of the Commissioner of Assessments and Licenses, more than three years prior to the date of application	✓	
A felony, in the commission of which a motor vehicle was used		✓
Failure to stop and render aid as required under the laws of the State, or leaving the scene of an accident as specified by the laws of the State		✓
Perjury or false swearing in making a statement under oath in connection with his or her application for a driver's license		✓
Conviction, or forfeiture of bail, not vacated, upon three charges of a violation of the motor vehicle laws of the State within a period of twelve months		✓
Conviction of a violation of a law involving violence, theft or any form of stealing, or a crime involving moral turpitude that is reasonably related to the license referred to in this chapter, within five years preceding the filing of the application for such license		✓
Repeated violations of City ordinances, which affect the safety of human life or limb on the streets of the City		✓
Possession by a tow truck driver, in his or her tow truck, of opened or unopened beer, whiskey or wine; of drugs or other stimulants not specifically prescribed for him or her by a medical doctor for his or her private use; or of gambling equipment or paraphernalia, stolen goods or contraband property of any kind	✓	
Signature <i>Hen Culanin Sr #907</i>		
Date <i>10-26-2021</i>		



Public Hearing



BOARD OF ZONING APPEALS CALENDAR NUMBER 22-026:

OWNER: MATTHEW RIEGELSBERGER

ADDRESS: 14847 ALGER RD.

WARD 17: CHARLES SLIFE

Application to change use of existing Two Family Residence to Three Family Residence in a Two Family Residential District contrary to the following sections of the Zoning Code:

- | | |
|-----------|---|
| 337.03(a) | Three Family Dwelling is not permitted in Two Family District; first allowed in Multi-Family District. |
| 355.04(b) | In "B" Area District, minimum lot area of 2,400 square feet per dwelling unit is required 7,200 square foot lot is required, 4,800 square foot lot is proposed. |
| 349.07(a) | All Parking spaces and maneuvering area shall be paved, drained and grade within parking area. |

Public Hearing



**BOARD OF ZONING APPEALS CALENDAR NUMBER 22-026:
OWNER: MATTHEW RIEGELSBERGER
ADDRESS: 14847 ALGER RD.
WARD 17: CHARLES SLIFE**

SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

**Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.**



HISTORY OF THE PROPERTY

BOARD OF ZONING APPEALS CALENDAR NUMBER 22-026:
OWNER: MATTHEW RIEGELSBERGER
ADDRESS: 14847 ALGER RD.
WARD 17: CHARLES SLIFE



BOARD OF ZONING APPEALS CALENDAR NUMBER 22-026:
OWNER: MATTHEW RIEGELSBERGER
ADDRESS: 14847 ALGER RD.
WARD 17: CHARLES SLIFE

LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting a use variance and area variances from the minimum lot size and off street parking regulations of the zoning code.

To obtain the use variance, Appellant must prove that denying the request:

1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.



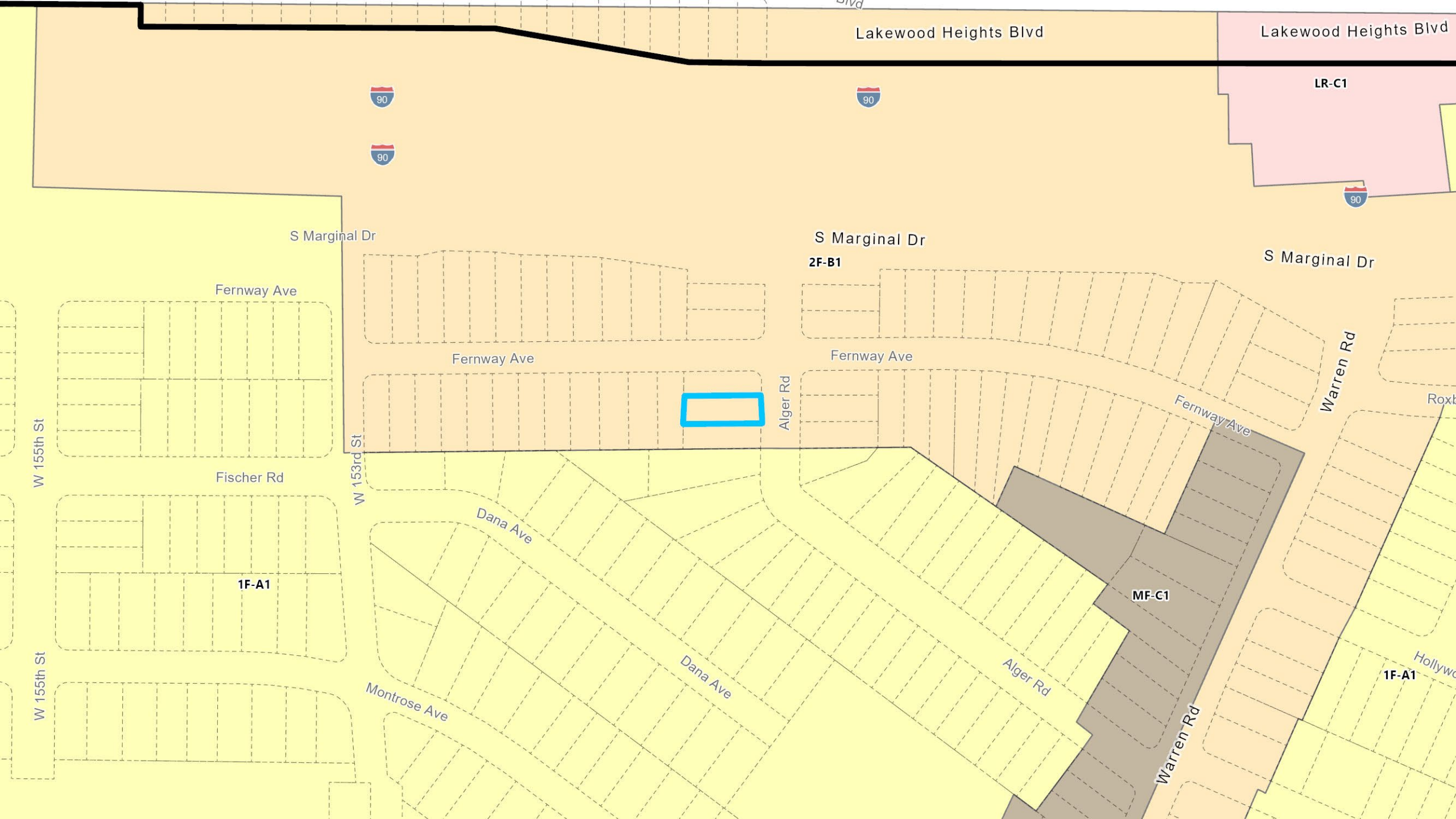


Fernway Avenue

Alger Road



Fernway Avenue



RECEIVED

FEB 15 2022

BOARD OF
ZONING APPEALS

Property Line

Back Yard

House

Driveway

Garage

Driveway

Property Line

Trec Lawn

Side Walk

Front Yard

Front Patch

Front Door

Front Door

Back Door

Parking Pad

Back Patch

40'-0"

29'-0"

6'-0"

3'-0"

14'8 1/2"

14'8 1/2"

27'-0"

10'-0"

51'-0"

4'-0"

9'-0"

17'-0"

20'-0"

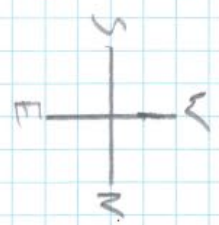
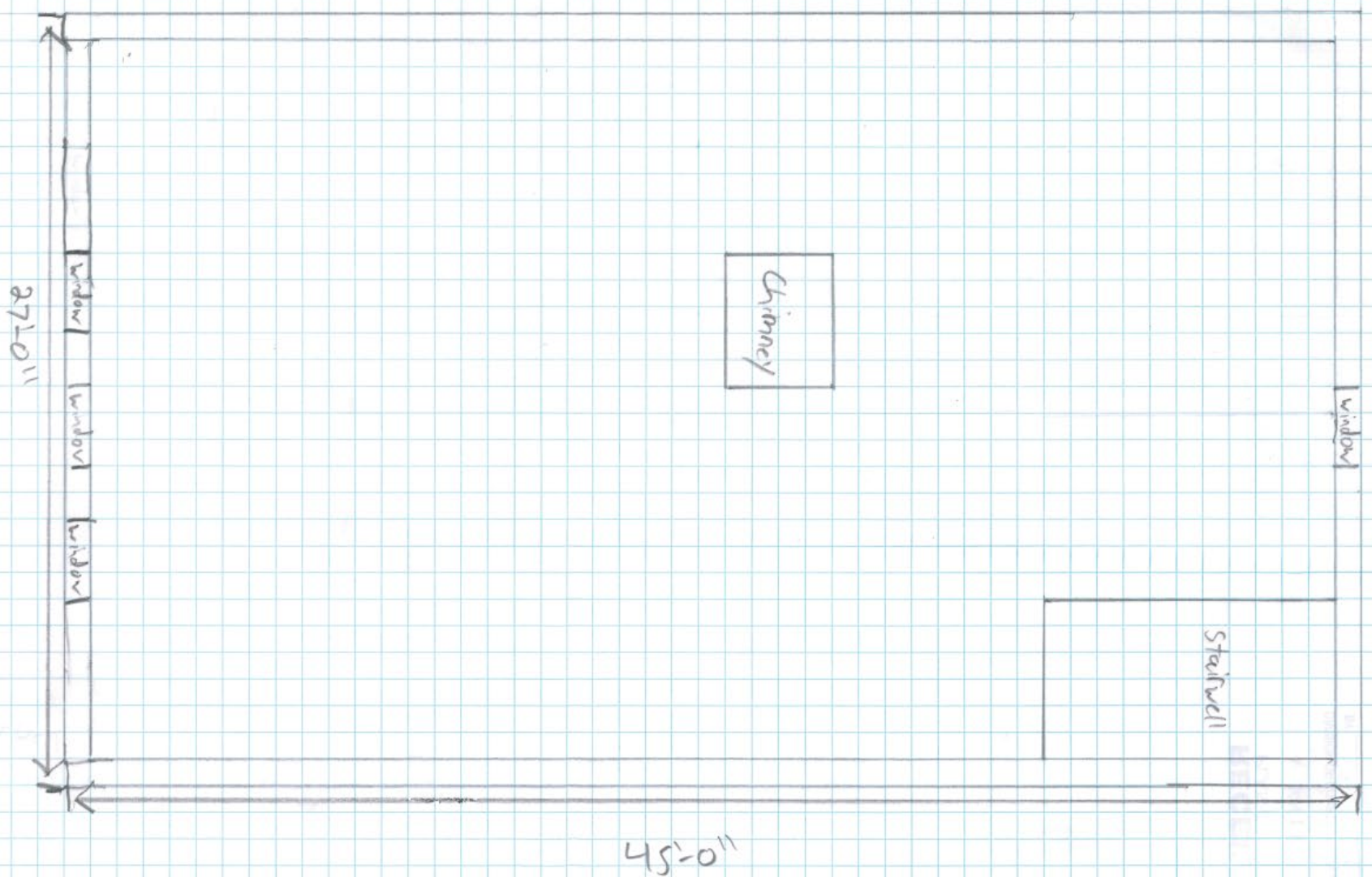
20'-0"

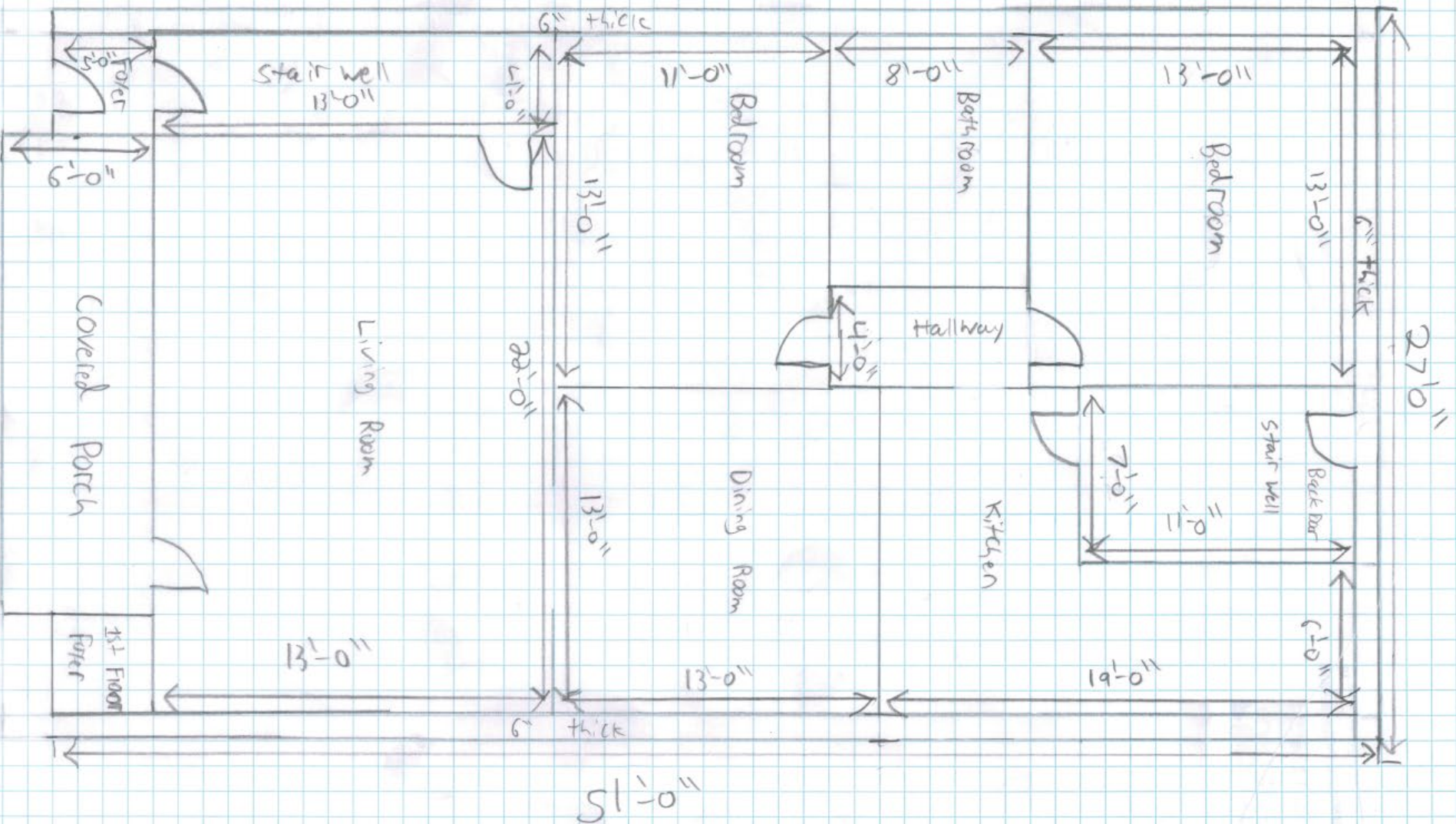
20'-0"

Alger RD

S
W
N

Attic



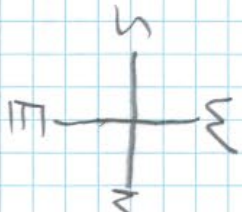


2nd Floor Layout

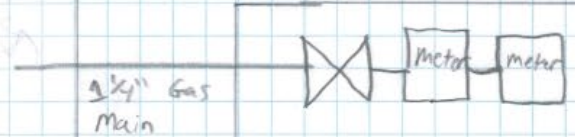
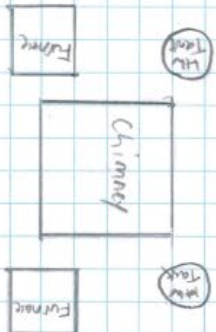
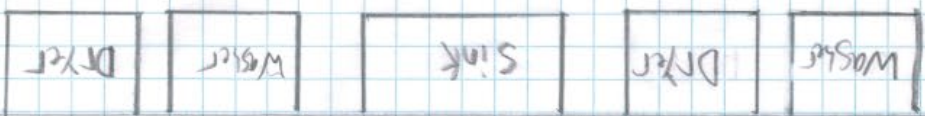
Exterior Dimensions = 27'-0" x 51'-0"
Interior Dimensions = 26'-0" x 50'-0"

Basement

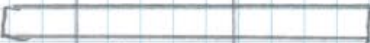
B-4 99-050
Electric Panel
Electric Panel



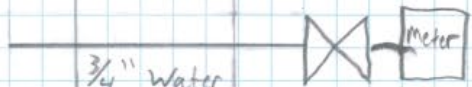
144417 Feet



1 1/4" Gas Main



4" Sanitary



3/4" Water Main

Alger Rd

Public Hearing



BOARD OF ZONING APPEALS CALENDAR NUMBER 22-029

OWNER: CARMEN & BARB PINZONE

LOCATION: 2024 MURRAY HILL ROAD

WARD 6 – BLAINE GRIFFIN

Carmen & Barb Pinzone proposes to establish retail use for gelato and production kitchen in a C1 Multi-Family Residential District contrary to the following sections of the Zoning Code:

- | | |
|-----------|--|
| 337.08 | Retail sales and production kitchen for gelato is not permitted in a Multi-Family Residential District. |
| 349.04(f) | Accessory off-street parking is required at the rate of 1 for each employee, plus 1 for each 100 square feet of floor area devoted to patron use. No new parking provided. |
| 341.02 | Approval of the Landmarks Commission/Department is required. |



Public Hearing



BOARD OF ZONING APPEALS CALENDAR NUMBER 22-029

OWNER: CARMEN & BARB PINZONE

LOCATION: 2024 MURRAY HILL ROAD

WARD 6 – BLAINE GRIFFIN

SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.

BOARD OF ZONING APPEALS CALENDAR NUMBER 22-029

**OWNER: CARMEN & BARB PINZONE
LOCATION: 2024 MURRAY HILL ROAD**

WARD 6 – BLAINE GRIFFIN

HISTORY OF THE PROPERTY





BOARD OF ZONING APPEALS CALENDAR NUMBER 22-029

OWNER: CARMEN & BARB PINZONE

LOCATION: 2024 MURRAY HILL ROAD

WARD 6 – BLAINE GRIFFIN

LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting a use variance and an area variance from the off street parking regulations of the zoning code.

To obtain the use variance, Appellant must prove that denying the request:

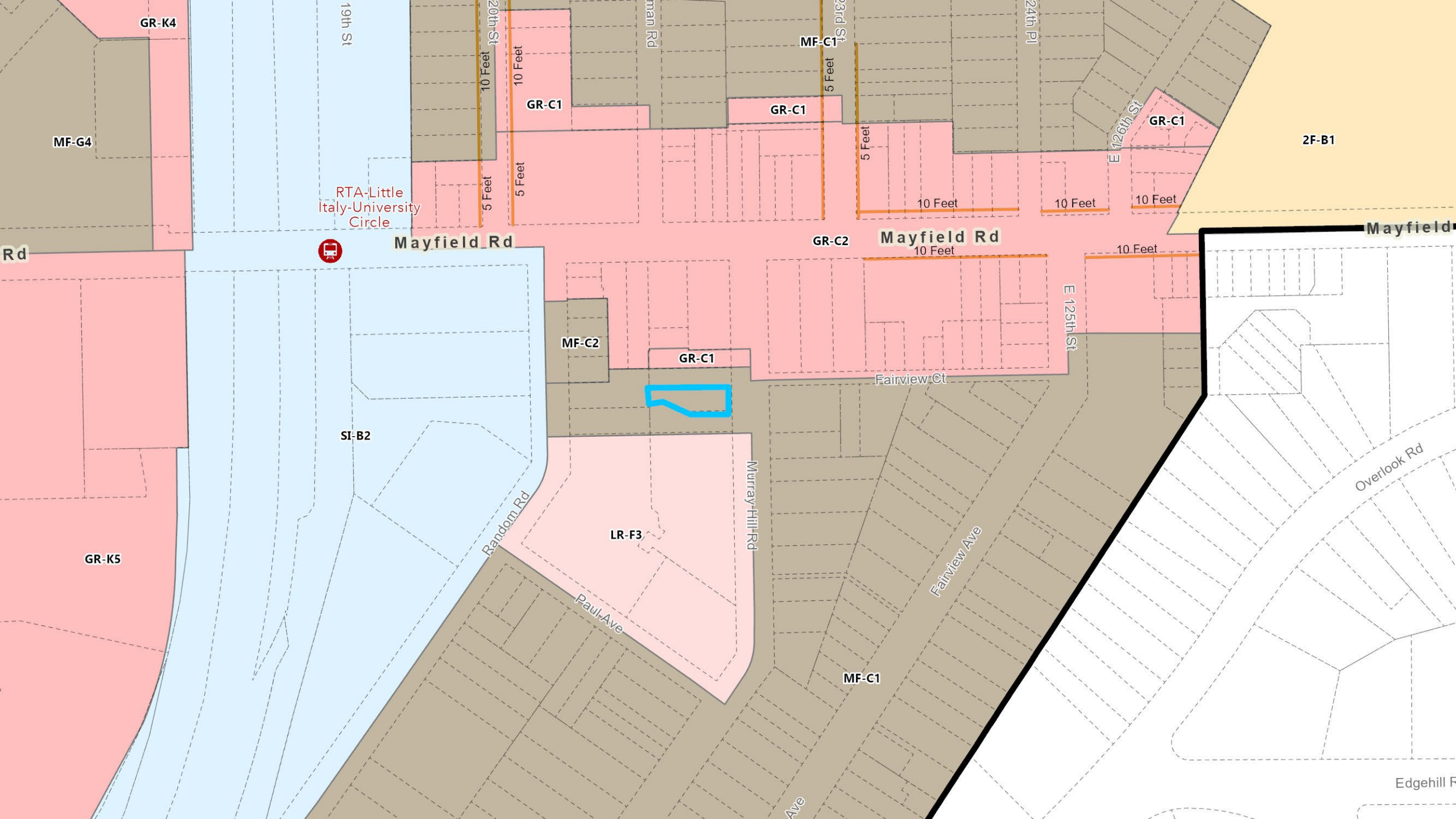
1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

To obtain the area variance, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.









2024 Murray Hill Road. Little Italy

Storefront Restoration & Use Change Proposal

Mount Granita Italian Ice

Mount GRANITA

Our goal is to carry on the spirit of small business in the neighborhood by locating our Italian Ice flagship shop in the heart of Little Italy.



Requested Variances

- 337.08 Retail sales and production kitchen for gelato is not permitted in a Multi-Family Residential District.
- 349.04(f) Accessory off-street parking is required at the rate of 1 for each employee, plus 1 for each 100 square feet of floor area devoted to patron use. No new parking provided.
- 341.02 Approval of the Landmarks Commission/Department is required.

We believe these zoning codes place significant hardship on our ability to conduct business in this location. We are requesting relief from the aforementioned strict sections of the zoning code.

Emergency Declaration

Due to the unprecedented shocks in the supply chain coupled with the ever-increasing costs of building materials, uncertainty grows each day that we are unable to obtain a permit. We request an emergency declaration be made by the Board of Zoning Appeals (given the board approves our request for variances) so that we may continue our permit process without haste.

Project Summary

We wish to [re]activate the storefront system at 2024 Murray Hill Rd. and build-out our Italian Ice production kitchen and retail space. This will increase the commercial activity along our stretch of Murray Hill Road with the goal of extending pedestrian activity and community connectivity throughout Little Italy. Please note, our production process uses no heat.

Location: 2024 Murray Hill Road, Cleveland, Ohio 44106

Investment: Cash injection from the two owners of Mount Granita Italian Ice, Storefront Renovation Program

Number of Units: 1 Retail + 3 Residential (3 residential tenants total)

Square Feet: Retail: 650 sf (250 sf Kitchen, 250 sf Serving area, 150 sf Warewashing area). Residential: 1,690 sf (total).

Residents: 0 residents, **Employees:** 0 employees, **Parking Spaces:** 1 parking space (for management)

Scale (Interior): Storefront Restoration (New & updated electrical, plumbing, and ductwork. New vinyl flooring.)

Scale (Exterior): Via the Storefront Renovation Program:

- New storefront system; including mahogany-framed windows and doors, stone-faced bulkheads, aluminum-framed awning with signage, and enhanced lighting.
- Tuck-pointing of problem areas on the brick structure.
- Preservation and upkeep for the steel balcony.
- Cleaning services for the brick.
- Increased pedestrian amenities (vegetation, benches, lighting).

1914

The line item below references the permit required for the storefront addition of 2024 Murray Hill Road.

Please note, prior to 1914, the building was considered part of 2022 Murray Hill Rd (on the same land plot).

New Address			Old Address		Owner	Purpose	Stories	Date	Permit No.	Remarks
Street	Number	Sublot	Number	Street						
Mariel Ave.	4402	237	4402	Mariel Ave.	Mary Tatge	Fndg.		7-24-19	19095 C	
	4406	238			Edw.J.Rote	Dwg.	1 1/2	8-15-08	18861	
	4406	238	4406		C.Bradeski	Fence		10- 4-20	40584 M	
	4406	238	4406		C.Bradeski	Gar.		5- 3-22	28765 A	
	4409	178	4409		C.F.Holz	Dwg.	1 1/2	7- 2-14	7016 C	
	4409	178	4409		C.F.Holz	Rep.Shed		7- 2-14	6648 M	
	4410	239	4410		C.& M.Bradesku	Dwg.	2	10-29-23	34879 B	
	4410	239	4410		C.Bradesku	Gar.	1	4-17-25	41878 C	
	4410	239	4410		C.Bradesku	Dwg.Alt.	2	2-17-30	10271 B	
	4416	241			Chas.Laschensky	Dwg.	1	12-13-06	7333	
Murray Hill Rd.	4416	241	4416	Murray Hill	Jacob Geil	Gar.	1	3- 4-22	27405 A	
	4416	241	4416		Jacob Geil	Add.	1	5-18-23	23213 A	
	4420	242	4420		B.West	Dwg.	1	3-23-23	31253 C	
	4424	243	4424		Wm.Wagner	Dwg.	1	3-23-23	31254 C	
	4424	243	4424		B.West	Gar.	1	4-17-25	41898 A	
	2009	1			N.D.Citti	Fruit Stand	1	7-25-32	42593	
	2009	1	2009		M.Dimaio	Tenement	2	5- 7-39	24952	
	2011-7	1	2011-7		Anna M.Rossi	Store Front		1-19-33	16728 E	

Number	Sublot	Number	Street	Owner	Purpose	Stories	Date	Permit No.
2022	115	363		G.Trivisonno	Store Add.	1	10-18-05	55051
2022	115	2022		P.Lanese	Rel.Shed		9- 5-13	2772 M
2022	115	2022		Irene Lanese	Store & Dwg.	2	4-11-14	6151 A
2022	115	2022		Irene Lanese	Gar.	1	5-18-17	14398 C

2021-3	46			V.C.Antonietti	Alt.Theater		7-31-14	7004 B
2021-5	46	2021-5		V.C.Antonietti	Wrk.Bldg.		4- 2-19	30632 M
2021-5	46	2021-5		V.C.Antonietti	Store Add.	1	10-18-05	55051
2022	115	363		P.Lanese	Rel.Shed		9- 5-13	2772 M
2022	115	2022		Irene Lanese	Store & Dwg.	2	4-11-14	6151 A
2022	115	2022		Irene Lanese	Gar.	1	5-18-17	14398 C
2023	46	2023		V.Antonietti	Alt.		8-19-16	20966 M
2023	46	2023		V.Antonietti	Store/Tenement	3	4-15-19	17974 A

Permit Ledger, Building & Housing Records Dept., Cleveland, Ohio
2024 Murray Hill | Cleveland, Ohio

Historical Retail Precedent

1922



2009



This historical photograph from 1922 shows 2024 Murray Hill Rd. with an awning extending approximately 5 feet in depth. A recent photograph from 2009 confirms the historical accuracy of the 1922 photograph.

Historical Retail Precedent

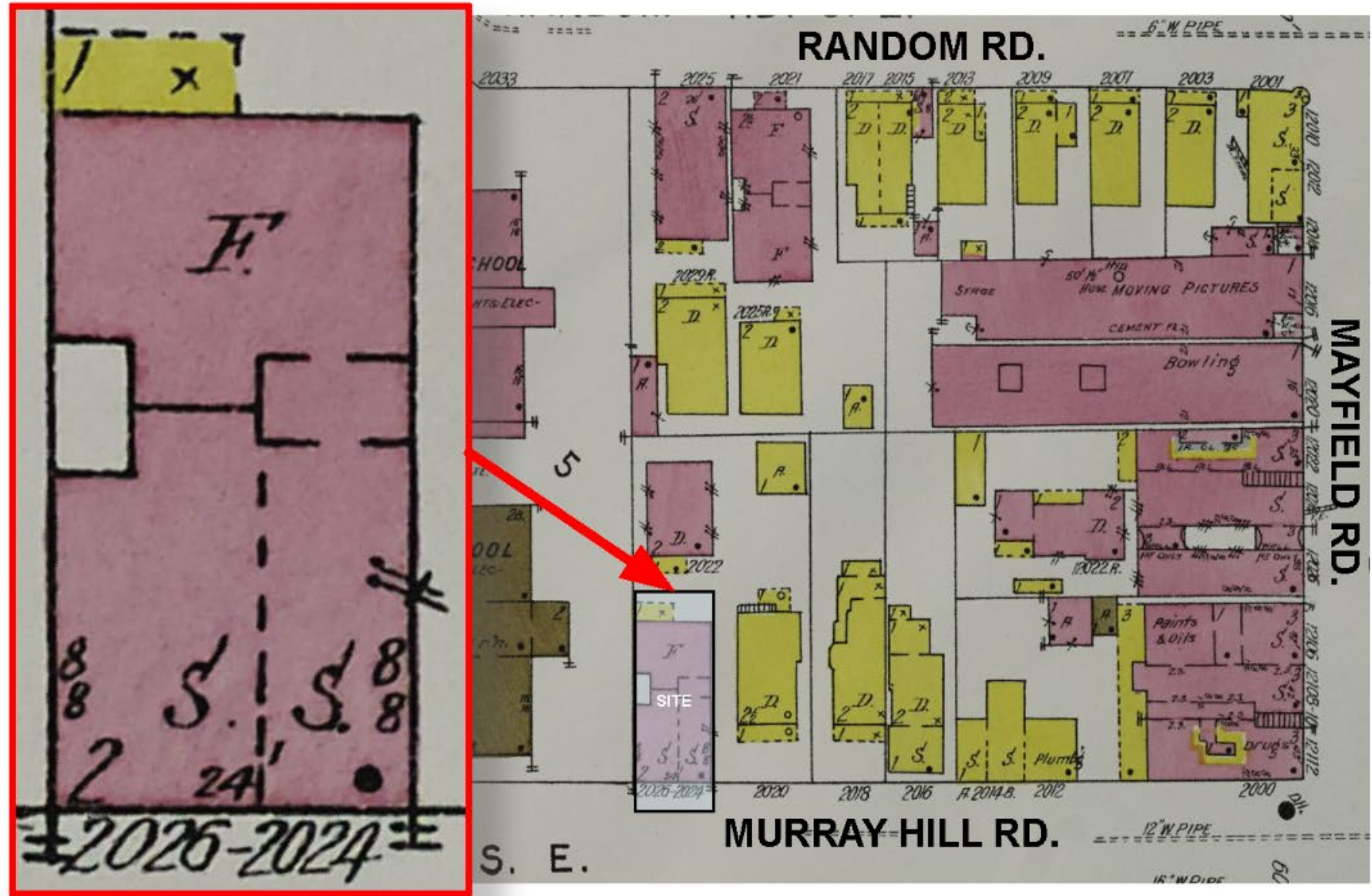
Cleveland Memory Project, Google Maps
2024 Murray Hill | Cleveland, Ohio

1926

According to the 1926 Sanborn Fire Insurance Map, Vol. 9, 2024 Murray Hill Road was home to two retail spaces.

For additional legend details, Appendix A.

Historical Retail Precedent



Sanborn Fire Insurance Map
2024 Murray Hill | Cleveland, Ohio

1934

According to the 1934 Mayfield Herald, 2024 Murray Hill Rd. was home to a Grocery & Meat Market owned by Joseph Rossi.

MAYFIELD HERALD

JOSEPH ROSSI
GROCERY & MEAT MARKET
2024 Murray Hill Road

EASTER SALE, Starts Saturday, April 8th to Easter.

GENUINE (Dressed) SPRING LAMB - - 25 Cents lb.
Get Your Order in Now For Live Spring Lamb 15c lb.

MEATS	Money Saving Items	Soap Bargains
ROUND STEAK 12c. lb.	Prosciutto 21c. lb. (Whole)	Kirkman's Soap Flakes 13c. Pkg.
VEAL CHOPS 16c. lb.	ALICI	
VEAL STEW 2 lbs for 25c.		

According to the 1955 Cleveland City Directory, 2024 Murray Hill Rd. was home to Salvator Shoe Repair owned by Arrigo Salvatore.

Cleveland City Directory
2024 Murray Hill | Cleveland, Ohio

[illegible]

1960

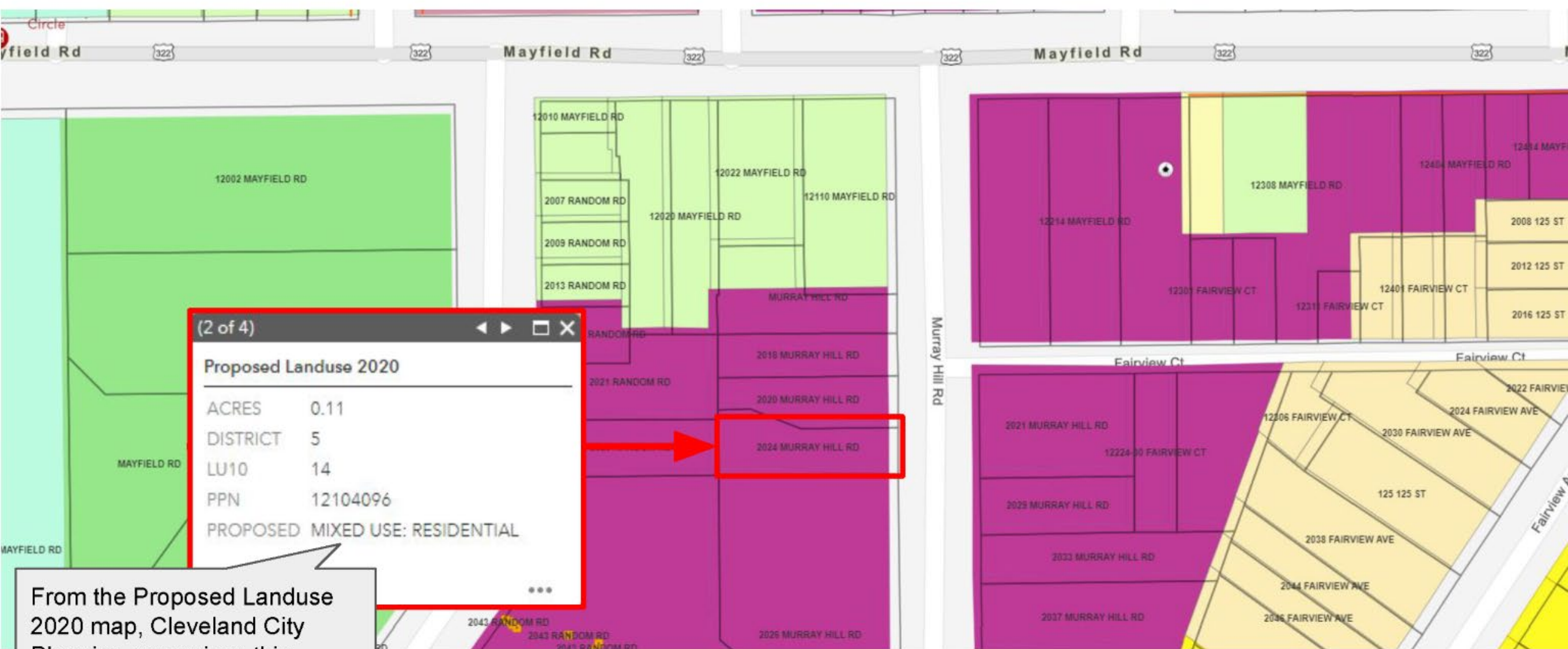
This historical photograph of a lupini bean salesman from 1960 shows 2024 Murray Hill Rd. with a retail storefront display system.

Historical Retail Precedent



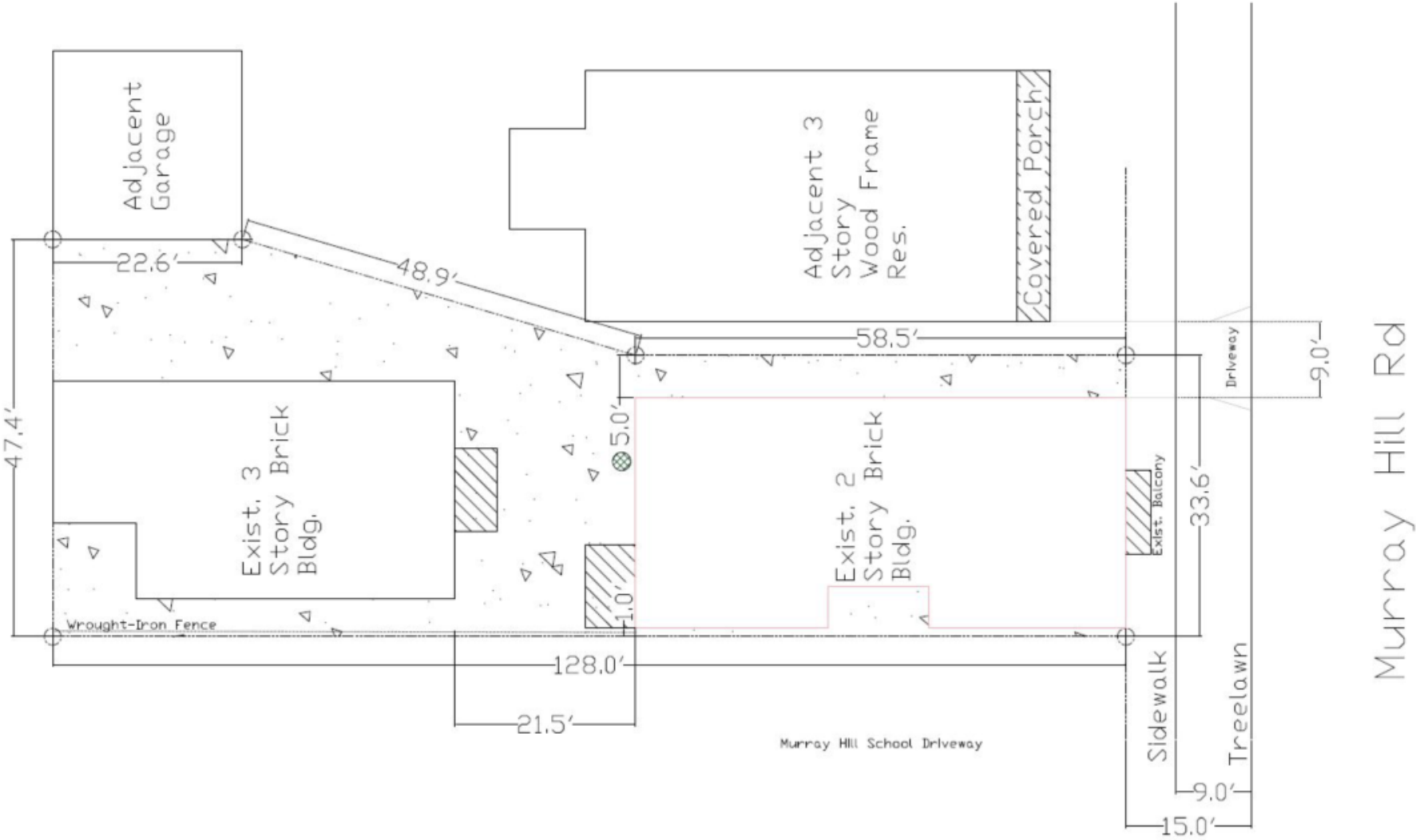
Unknown Photographer, "*Murray Hill E-Cards*"
2024 Murray Hill | Cleveland, Ohio

Site Zoning Map (Prop. Landuse 2020)



From the Proposed Landuse 2020 map, Cleveland City Planning recognizes this building as a potential mixed use space.

SITE PLAN



Note:
Green circle west
of the building is
the location of
Mount Granita's
proposed garbage
receptacle.



Site Plan (to scale)
2024 Murray Hill | Cleveland, Ohio

Site Context



2021 March Nearmap
2024 Murray Hill | Cleveland, Ohio

Existing Streetscape



Existing Conditions - Google Maps
2024 Murray Hill | Cleveland, Ohio

Side Elevation (Proposed)




Proposed Side Elevation - Renderings
2024 Murray Hill | Cleveland, Ohio

Illustrative Renderings



Illustrative Renderings
2024 Murray Hill | Cleveland, Ohio

Support for Mount Granita



Letter of Support for Storefront Restoration
Mount Granita Italian Ice

January 2022
2024 Murray Hill Rd.

Please note: Your approval (email/text/verbal) is considered consent to be included in this letter.

SUPPORT MOUNT GRANITA:

- PROMOTE MIXED-USE ON MURRAY HILL
 - [Re]activate the storefront system at 2024 Murray Hill Rd. by reinstating the use as retail/mixed-use, as our storefront has been used for numerous other businesses throughout time.
- PRESERVE HISTORY AND SUPPORT SMALL BUSINESS IN LITTLE ITALY
 - We request the Building & Housing department to strongly reconsider the requirement of applicants seeking a change of use to add fire-suppression systems and fire barriers throughout the building when the specific use of the space presents no fire or life-safety concern.
 - It is extremely cost-prohibitive and disruptive to the historic nature of the building to carry out these strict requirements.

[*For more information, see the presentation linked in the footer](#)

Little Italy Residents and Merchants,


Our business, Mount Granita Italian Ice, provides our neighbors with a vibrant atmosphere, a safe sidewalk presence, and a product made with 100% fresh fruit (and no preservatives!). We have been extending the rich tradition of running a small business in Little Italy by operating an Italian Ice sidewalk cart for over three years. There's no place we'd rather be than in Little Italy-- in the storefront that's been in our family for generations. It is our mission to restore this beautiful storefront to its closest historical accuracy, while also increasing the commercial activity along our stretch of Murray Hill Road, and extending pedestrian activity through greater neighborhood connectivity.

Unfortunately, according to the City of Cleveland, the building's use is 'Residential' when it should have included the additional use of 'Retail' to accommodate the plethora of small businesses that have occupied the space since the building's construction in 1914. This store has seen grocers, pizza shops, shoe cobblers, hairdressers, and painting studios over the years, and we believe Mount Granita's Italian Ice production will also find its rightful home at 2024 Murray Hill.

The intended use of the storefront has always been to foster growth for local small businesses. Help us request that City Hall grant Mount Granita a Certificate of Occupancy for the historic storefront restoration at 2024 Murray Hill, without the need to comply with the over-restrictive zoning and fire codes. This enables us to preserve the historical elements of the building's interior that adds to the charm of this unique neighborhood. The presentation linked in the footer below shows the extent to which we will be restoring the original storefront system.

Respectfully,

Christopher Giancola & Jonah Bae
Mount Granita Italian Ice
www.mountgranita.com



First Name	Last Name		Address	Contact Cell	Contact Email
Blaine	Griffin	Cleveland City Councilman - Ward 6, Council President	601 Lakeside Ave.	2168571649	bgriffin@clevelandcitycouncil.org
Raymond	Kristosik	Executive Director, Little Italy Redevelopment Corporation	12010 Mayfield Rd.	2167800021	
Mike	Rose	Murray Hill Market - Manager, Resident	2100 Murray Hill Rd.	4408121375	dcmike783@gmail.com
Andy	Kabat	Polk Kabat Attorneys, Resident	2083 Fairview Ct.	2164015912	akabat@polkkabat.com
Michelle	Buckholtz	Murray Hill Market - Owner	2072 Murray Hill Rd.	2163557555	
Ellen	Moreau	Retired Sherwin Williams VP	2044 Random Rd.	4403347077	jmoreau216@gmail.com
Maggie	Peters	Licensed Realtor - Howard Hanna, Resident	2043 Random Rd.	2164076564	maggie.e.peters@gmail.com
Nella & Ron	Gallitto	Hair in Motion Salon Owners	2133 Murray Hill Rd.	4405678120	
Carol	Iorillo	Lifelong (70+ year) Resident	2029 Murray Hill Rd.	2162691067	
Greg	Soltis	RDL Architects, Resident	2029 Murray Hill Rd.	2165027311	greg@rdlarchitects.com
Jeff	Moreau	Sweet Moses Former Owner, Resident	2044 Random Rd.	4403347077	jmoreau216@gmail.com
Ralph	Vitale	RAV Enterprises	2020 Murray Hill Rd	4405036656	
Joe	Sidari	Sadari's Italian Foods, Resident	2016 Murray Hill Rd.	2162188604	
Ivvette	Immormino	JBI Scrap Processors, Resident	2044 Random Rd.	2162188604	
Carmen	Iammarino	Alpha Apartment Management	12026 Mayfield Rd.	2163081670	
Marie	Kittredge	President, GardenWalk Cleveland	n/a	2165134002	mariekittredge@gmail.com
Paulette	Colarochio	LIRC Board, Resident	2228 Murray Hill Rd.	2167983824	colarochioprose@yahoo.com
Matthew	Wymer	LIRC Board, WXZ Development, Resident	12654 Mayfield Rd.	2163757813	mwymr@wxzdevelopment.com
Barb & Carmen	Pinzone	Pinzone Properties Owners	2024 Murray Hill Rd	4406556004	barbiep6324@gmail.com

Illustrative Renderings
2024 Murray Hill | Cleveland, Ohio

Public Hearing

Calendar No. 21-181:

3733 East 65th Street

Ward 12

Ran Romano, owner, propose to establish seven (7) residential units and three commercial units in a B1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04 which states that thirteen (13) parking spaces are required and nine (9) parking spaces are proposed.
2. Section 349.07 which states that accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials approved by the Director of Building and Housing, maintained in good condition and free of debris and trash. The driveway used to provide accessibility to accessory off-street parking spaces shall be so located and arranged to minimize traffic congestion; proposed driveway use is not on subject parcel nor in the same ownership.
3. Section 349.08 which states that where five (5) or more accessory off-street parking spaces are provided, and are located on a lot that is adjacent to a Residence District or that adjoins a building containing dwelling units, such parking spaces shall be screened from all adjoining lots in the Residence District or a building containing dwelling units, by an opaque wall, a uniformly painted fence of fire-resistant material or a strip of land at least four (4) feet wide and densely planted with shrubs that form a dense screen year-round. Such wall, fence or shrubs shall be at least three (3) feet, but not more than six (6) feet six (6) inches in height. However, such wall, fence or shrubs located within twenty-five (25) feet of the intersection of two (2) or more streets or the intersection of an access driveway and a street, shall have a maximum height of three (3) feet and a minimum height of two (2) feet.
4. Section 352.11 which states that a 10-foot-wide landscape strip is required.
5. Section 352.04 which states that a landscape plan is required (Filed November 8, 2021)



Public Hearing

Calendar No. 21-181:

3733 East 65th Street

Ward 12



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.

Public Hearing

Calendar No. 21-181:

3733 East 65th Street

Ward 12



HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the off-street parking, screening, and landscaping requirements of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

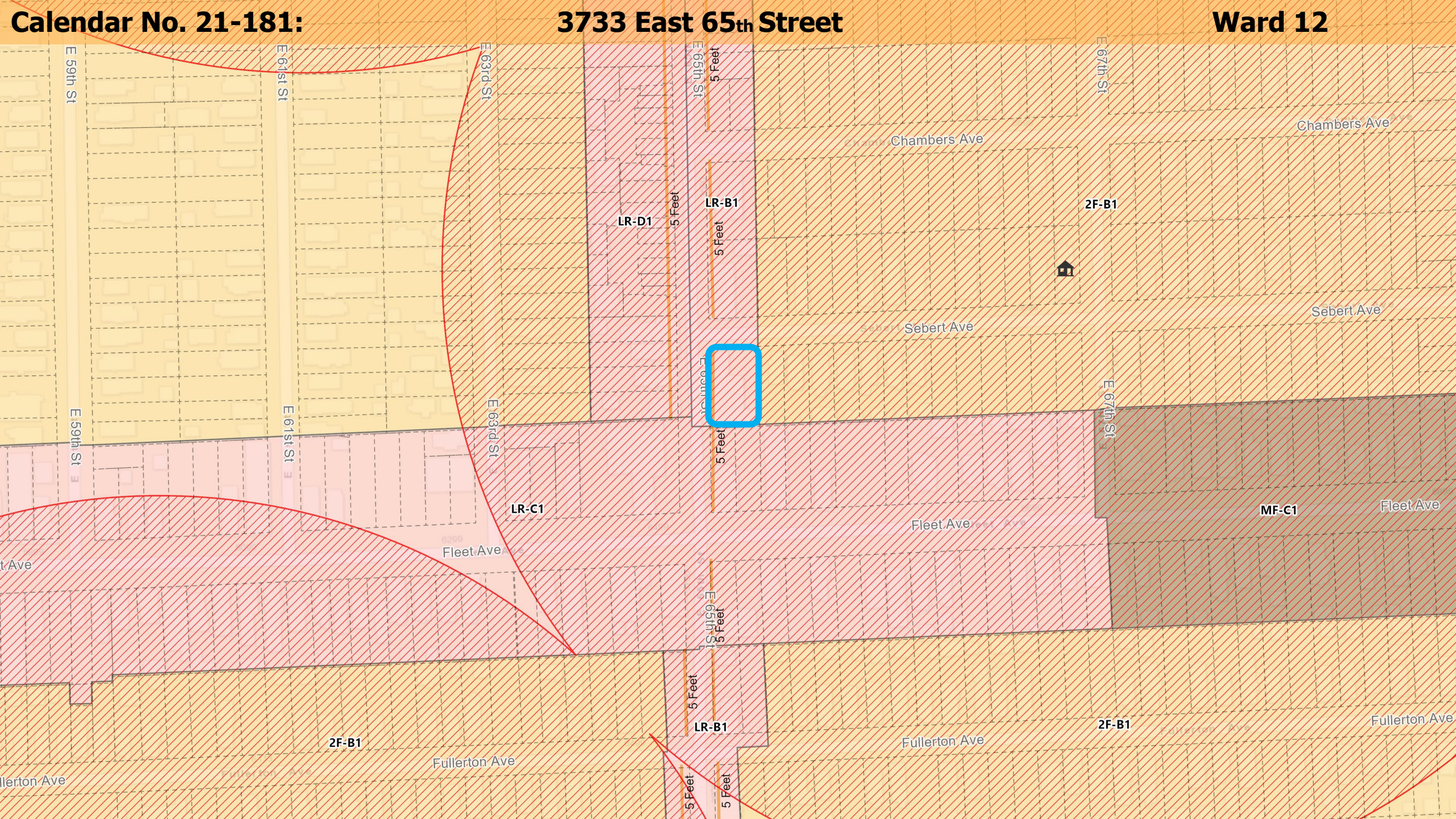
1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.





Sebert Avenue

East 65th Street



Calendar No. 21-181:

3733 East 65th Street

Ward 12



CITY OF CLEVELAND

Office of the Council

www.clevelandcitycouncil.org

Rebecca Maurer COUNCIL MEMBER, WARD 12

COMMITTEES: Health, Human Services & the Arts • Municipal Services & Properties • Transportation & Mobility • Rules

January 21, 2022

Ms. Elizabeth Kukla
City of Cleveland
Board of Zoning Appeals
601 Lakeside Avenue Rm 516
Cleveland, OH 44114

Re: Calendar No. 21181 (3733 E. 65th)

Dear Ms. Kukla;

I am unable to attend the BZA hearing for this case this morning, but wanted to let you know that I am not supportive of the variance that the owner of 3733 E. 65th is seeking at the January 24th hearing.

Slavic Village Development and our city planner have yet to review a plan for the redevelopment of this historic parcel along E. 65th.


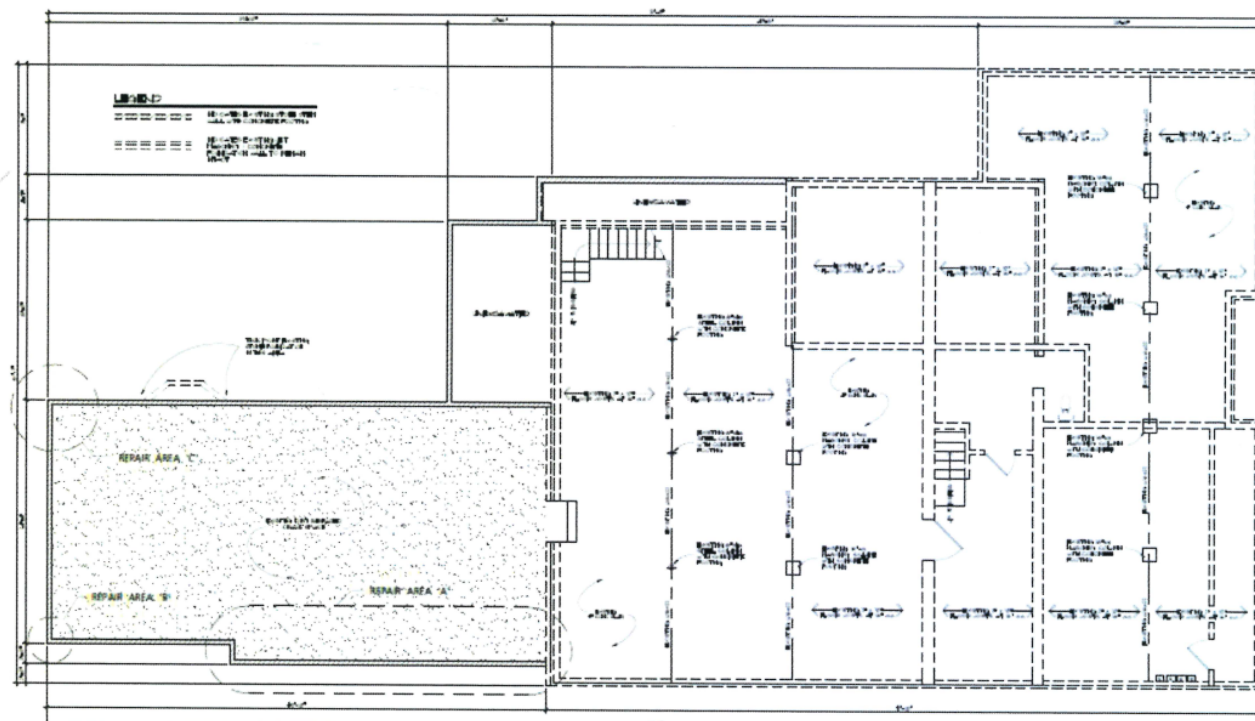
Mr. Romano has yet to receive the appropriate approval from local and city planning commissions for the exterior improvements to this historic parcel. He is also unable to effectively show adequate parking for his tenants and their guests.

Because of these above reasons I am opposed to his variance request.

Sincerely,

Rebecca Maurer
Council Member, Ward 12

C: Slavic Village Development
file



EXISTING BASINENT PLAN
SCALE: 1" = 100'

Atlanta
COMMERCIAL AIRCRAFT • CARGO
West Gate Avenue, Marietta, GA 30067
Phone (404) 434-1111
Email: post@atlanta.com

Existing
Basement Plan

Proprietor:
KRS Partners LLC
Mr. Ken S. Romano

Project Location:
3725 East 85th Street
Cleveland, Ohio 44135

Issued for: preliminary
 Issued on: August 14, 2020

Designed by

● 读《林语堂文集》

[illegible]

20-028

A-3

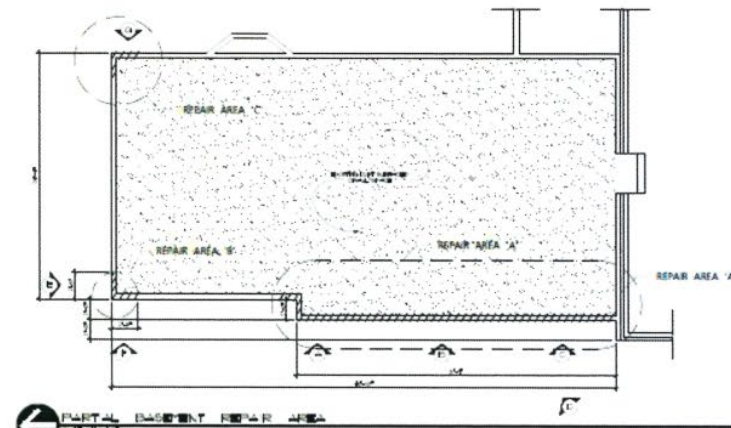
Sheet 3 of 10

EXISTING CONDITIONS



REPAIR MATERIALS SPECIFICATIONS

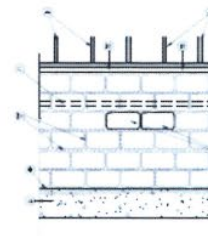
1. All repair materials shall be of high quality and shall be approved by the Engineer.
2. All repair materials shall be of high quality and shall be approved by the Engineer.
3. All repair materials shall be of high quality and shall be approved by the Engineer.
4. All repair materials shall be of high quality and shall be approved by the Engineer.
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10. All repair materials shall be of high quality and shall be approved by the Engineer.



FOUNDATION WALL REPAIR DETAIL

DETAIL KEY NOTE

1. All repair materials shall be of high quality and shall be approved by the Engineer.
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FOUNDATION WALL REPAIR DETAIL



Foundation Repair Details

Proprietor
KRG Partners LLC
Mr. Ken S. Romano

Project Location
3733 Oak 55th Street
Cleveland, Ohio 44131

Issued for:
☒ preliminary August 15, 2008
☒ construction

Drawn by: J. Romano
 Designed by: J. Romano
 Approved by: J. Romano
 Checked by: J. Romano

Revisions:
 1. 08/15/08
 2. 08/15/08

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Job No. 20-028

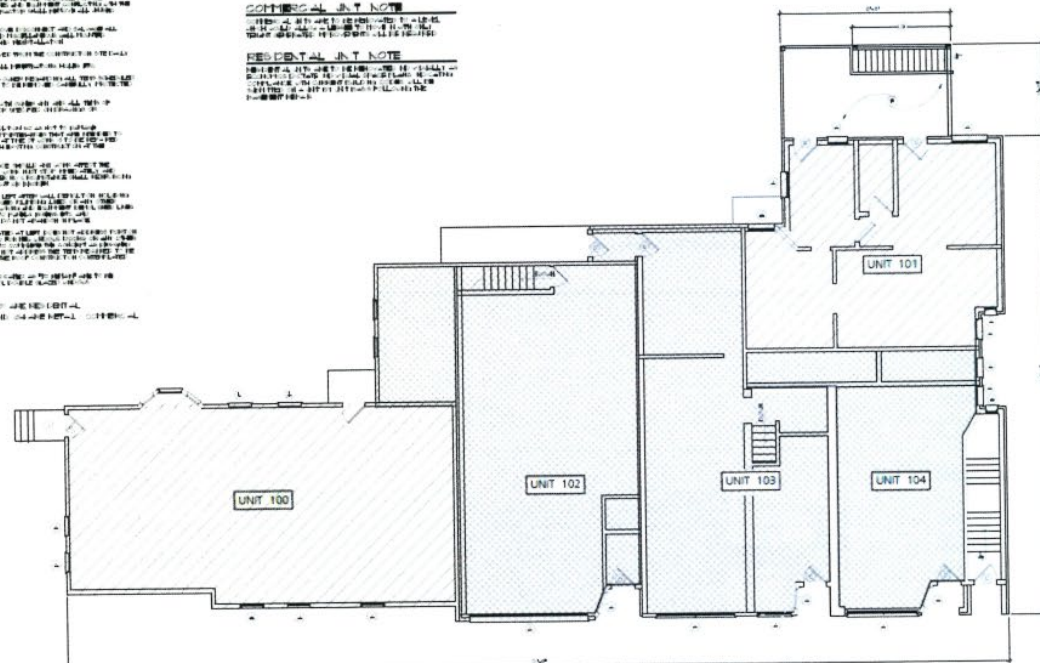
A-4

Sheet 4 of 10

[illegible]

- a. 確率 1 の事件の確率は 1 である。 (100% の確率で起こる事象)
- b. 確率 0 の事件の確率は 0 である。 (絶対に起こらない事象)
- c. 確率 0 の事件は必ずしも起こらない。 (絶対に起こらない事象)
- d. 確率 1 の事件は必ずしも起こる。 (絶対に起こる事象)
- e. 確率 1 の事件は必ずしも起こらない。 (絶対に起こる事象)
- f. 確率 0 の事件は必ずしも起こる。 (絶対に起こらない事象)
- g. 確率 1 の事件は必ずしも起こる。 (絶対に起こる事象)
- h. 確率 0 の事件は必ずしも起こる。 (絶対に起こらない事象)
- i. 確率 1 の事件は必ずしも起こる。 (絶対に起こる事象)
- j. 確率 0 の事件は必ずしも起こる。 (絶対に起こらない事象)

RESIDENTIAL UNIT NOTE

[illegible][illegible]

A **a** **T**

COMPLYING: ABCD EFGH IJKL MNOP
Q RST UVW XYZ

West End Avenue New York, NY 10019
phone: (212) 410-4133
email: press@blackstar.com

First
Floor Plan

Proprietor:
KRS Partners L.L.C.
Mr. Ben S. Romano

Project Location:
3733 East 65th Street
Cleveland, Ohio 44130

☒ preliminary construction August 14, 2014

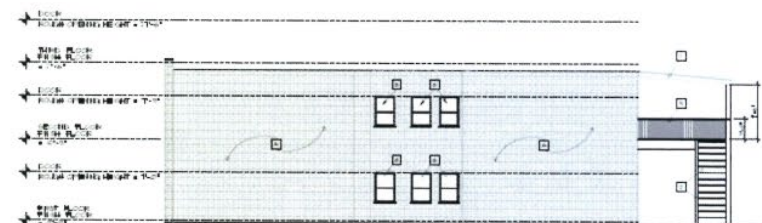
drawn _____
 designed _____
 approved _____

The web site for the *2005 Top 500* is located at <http://www.enr.construction.com/resources/special/top500/>. The site is the only place where you can find the complete list of the top 500 contractors, as well as the top 100 in each of the 20 different construction categories. The site also provides a detailed breakdown of the top 500 contractors by region, by type of work, and by company size. The site is a valuable resource for anyone interested in the construction industry.

Job No. 20-028
A-5
Sheet 5 of 10



WEST ELEVATION
Scale 1/8" = 1'-0"



SOUTH ELEVATION
Scale 1/8" = 1'-0"

GENERAL NOTES
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 5. THE CONTRACTOR SHALL MAINTAIN A SAFE WORKING ENVIRONMENT AT ALL TIMES.

DETAIL NOTES

- 1. ROOF SHALL BE AS SHOWN ON THE ARCHITECTURAL DRAWINGS.
- 2. EXTERIOR WALLS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING CODES.
- 3. FLOORING SHALL BE AS SHOWN ON THE ARCHITECTURAL DRAWINGS.
- 4. CEILING SHALL BE AS SHOWN ON THE ARCHITECTURAL DRAWINGS.
- 5. DOORS AND WINDOWS SHALL BE AS SHOWN ON THE ARCHITECTURAL DRAWINGS.
- 6. STAIRS SHALL BE AS SHOWN ON THE ARCHITECTURAL DRAWINGS.
- 7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
- 9. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
- 11. THE CONTRACTOR SHALL MAINTAIN A SAFE WORKING ENVIRONMENT AT ALL TIMES.



West Elevation
South Elevation

Proprietor:
KRS Partners LLC
Mr. Ron S. Romano

Project Location:
2722 East 55th Street
Cleveland, Ohio 44135

Issued for:
☒ preliminary
☒ construction August 14, 2020
 Drawn: J. Smith
 Design: J. Smith
 Approval: J. Smith

Revisions:
 1. REVISED TO REFLECT CHANGES TO THE EXTERIOR WALLS AND ROOF.
 2. REVISED TO REFLECT CHANGES TO THE INTERIOR FLOORING AND CEILING.
 3. REVISED TO REFLECT CHANGES TO THE DOORS AND WINDOWS.

Contract info:
 1. Project Name: [REDACTED]
 2. Project Address: [REDACTED]
 3. Project Start Date: [REDACTED]
 4. Project End Date: [REDACTED]

Job No: 20-028
 A-7
 Sheet 7 of 10

Public Hearing



Calendar No. 21-204:

11201 Shaker Blvd #102

Ward 6

Superior Rd Apts. LLC, owner, and PATH Behavioral Health propose to establish use as Mental Health Center in an E4 Residence Office District. The applicant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.471 which states that a Mental Health Center is defined as "an institution providing inpatient or out-patient care or therapy for individuals affected by mental illness, developmental disabilities, alcoholism or substance abuse and others needing psychological therapy, but which does not serve as a residence for such individuals."
2. Section 337.10 which states that a Mental Health Center is not permitted in a Residence Office zoning district. Per Section 340.02(b), use is first specifically permitted in an Institutional Research zoning district. (Filed December 28, 2021)



Public Hearing

Calendar No. 21-204:

11201 Shaker Blvd #102

Ward 6



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY



City Planning Commission-Taken Jan 11, 2022



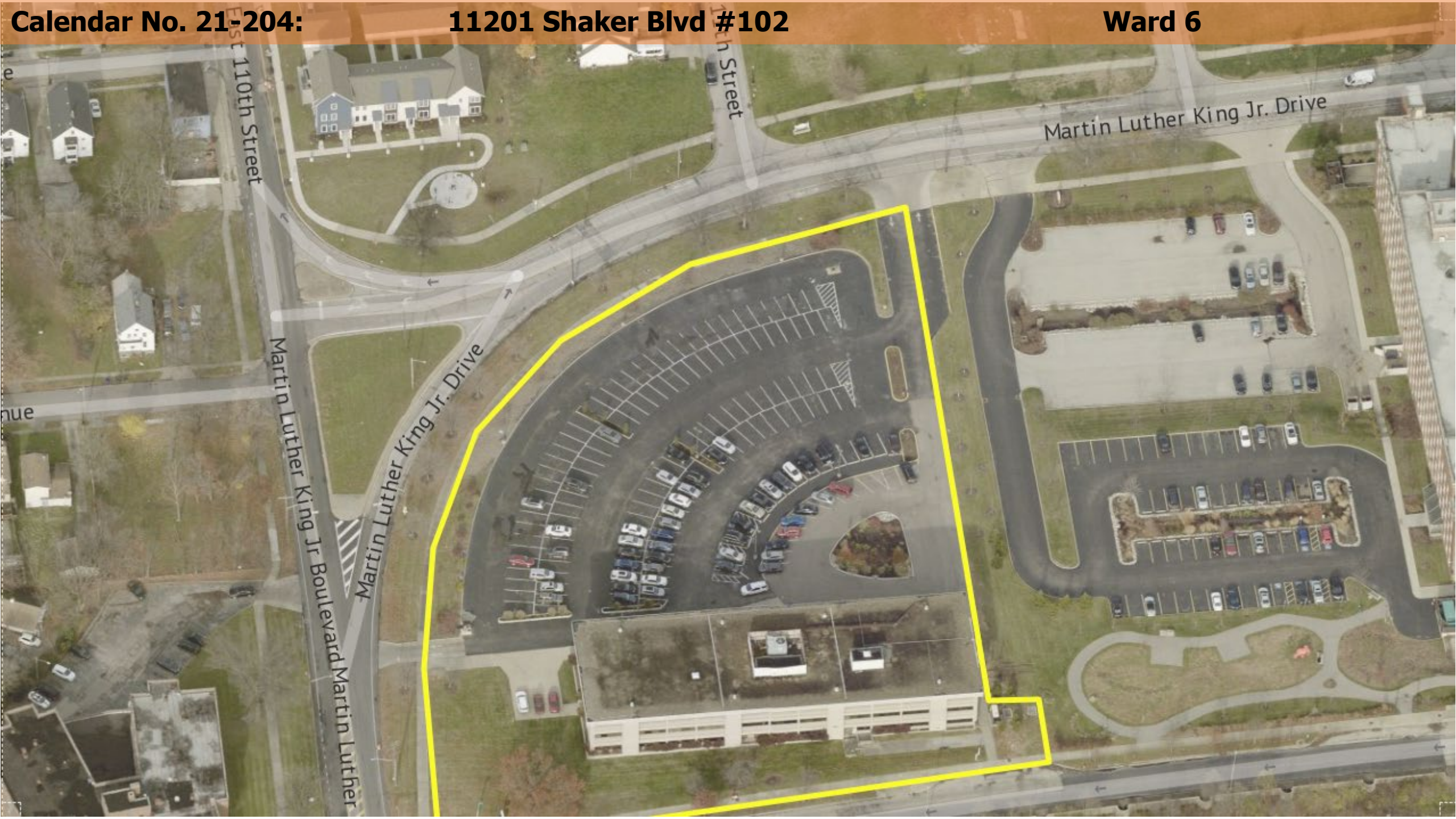
LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting a use variance.

To obtain the use variance, Appellant must prove that denying the request:

1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

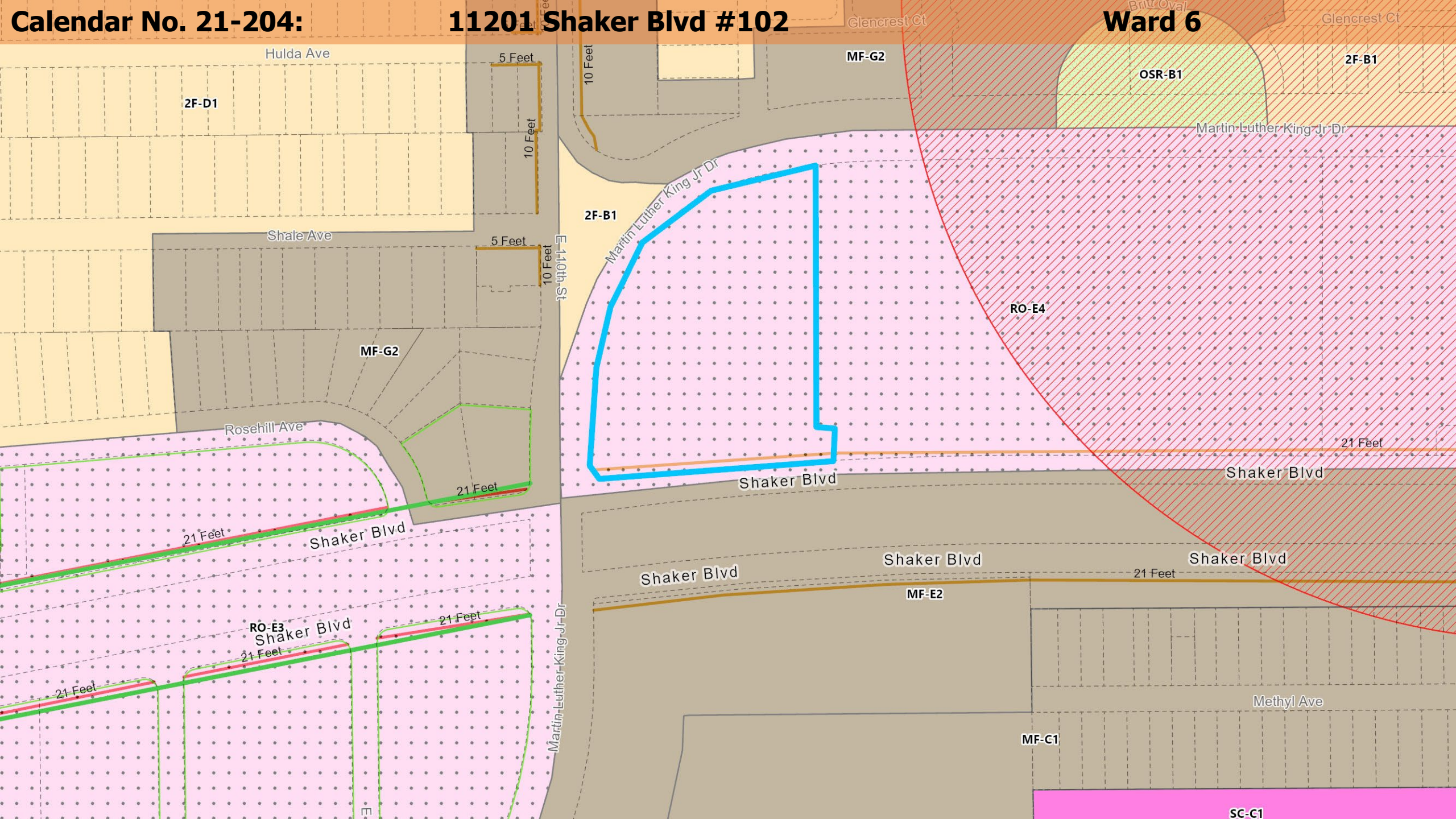


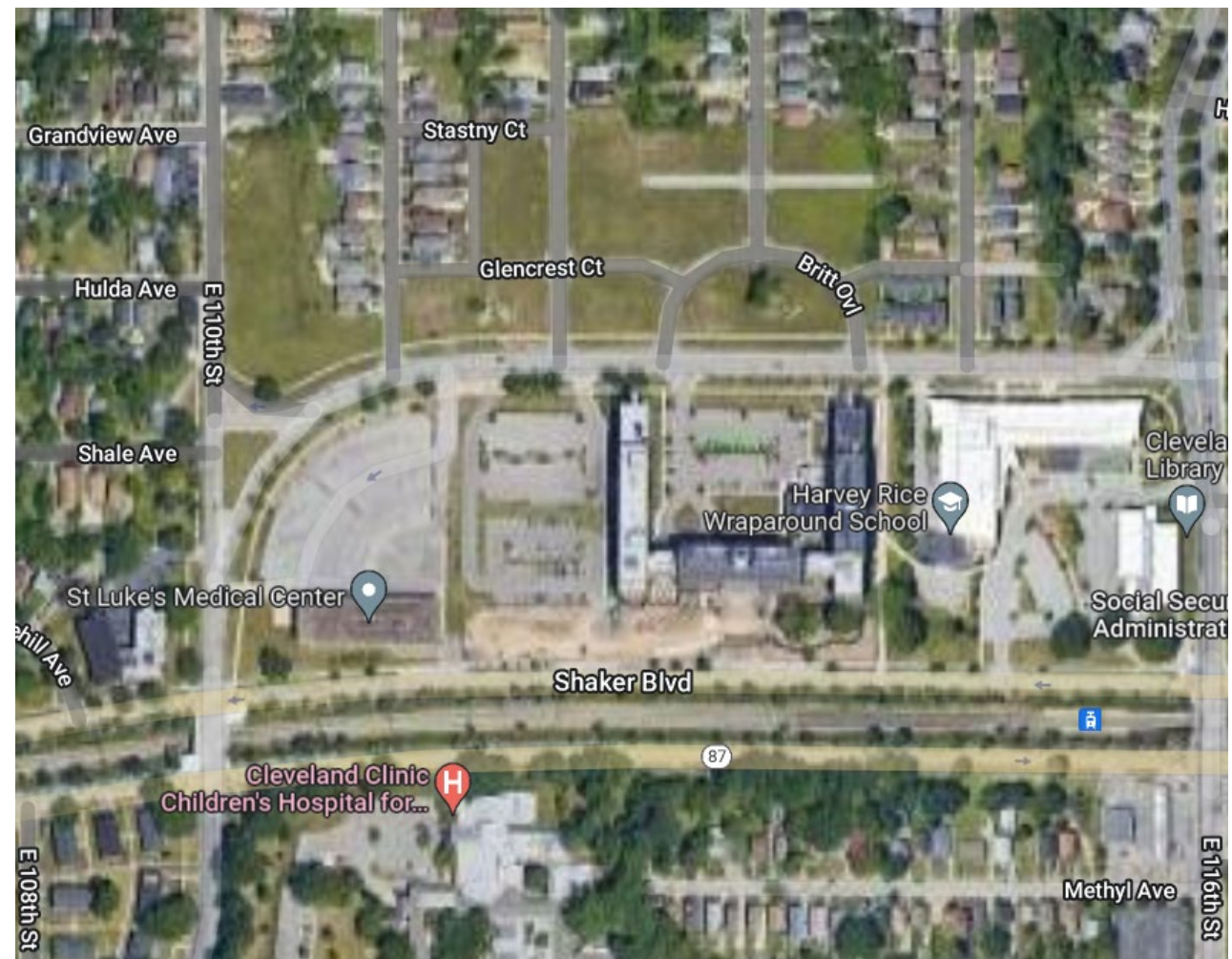
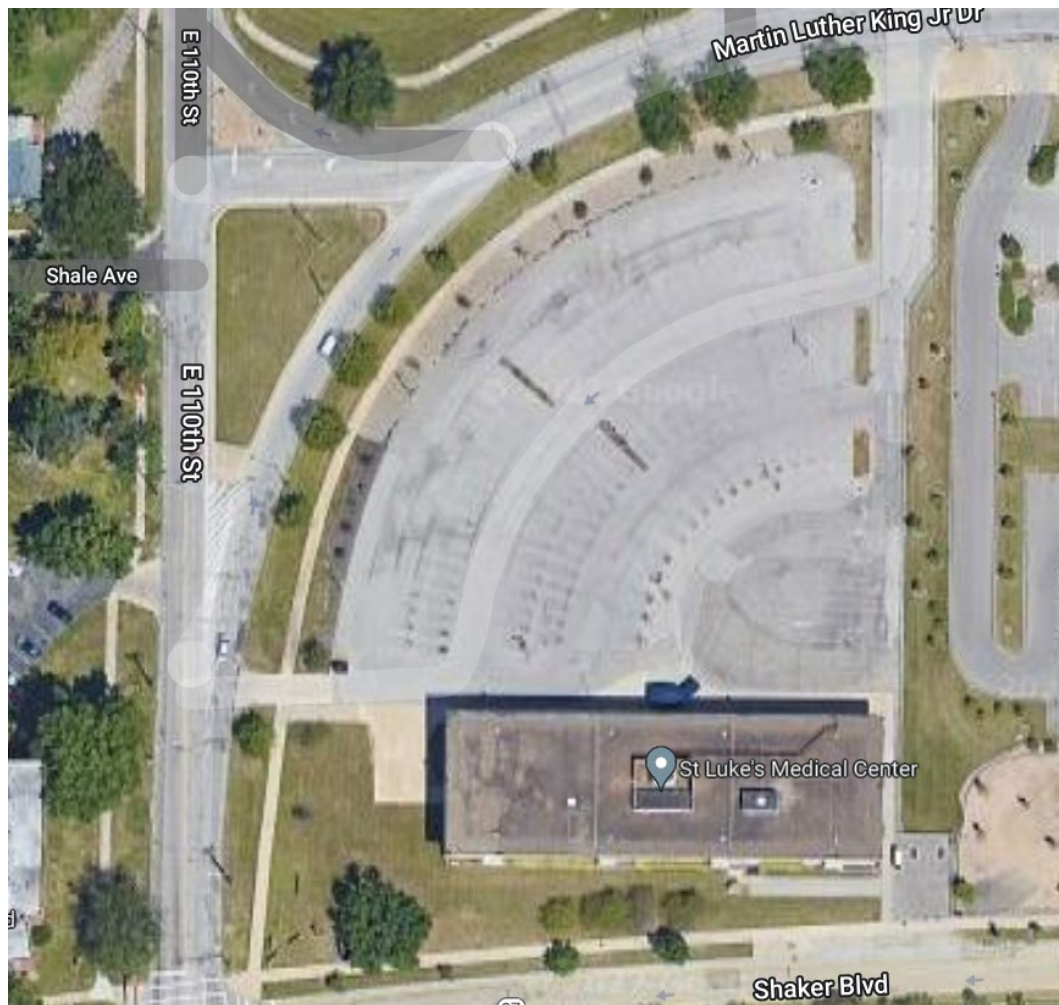


Calendar No. 21-204:

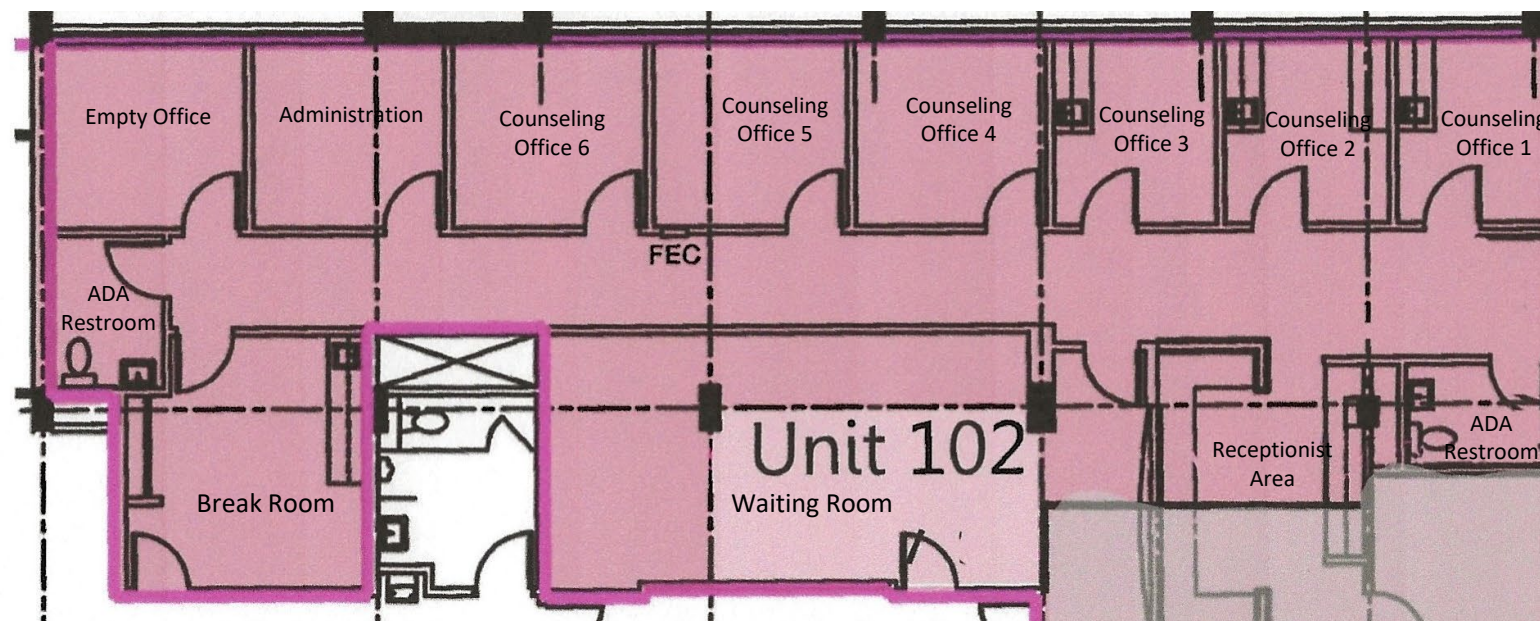
11201 Shaker Blvd #102

Ward 6





Office Layout



Community Based Behavioral Health Services

- PATH provides the majority of services to clients in the community.
- WE come to YOU.
- Services can be provided via:
 - Telehealth
 - Phone
 - At your home
 - At school
 - Any place in the community where you feel safe
- 70% or more of all PATH services are in the community or telehealth



Therapy

- Individual
- Group
- Couples
- Family
- In school

Case Management

- Housing
- Food
- Clothing
- Utility assistance
- Rent assistance
- Care coordination
- Transportation needs
- Building skills

Nursing Services

- Assess the needs of the physical well being for each client
- Help with healthy living for the body and mind
- Safe place to speak about medical needs
- Helps connect with community resources
 - Primary care
 - Pediatricians
 - Dentists
 - Others as needed
- Focusing wholistically on the client

Medication Management

- Nurse practitioners and Psychiatrists provide medication as needed based on Mental health diagnosis.
- Prescriptions are at most 30-day supplies, receiving a monthly visit with the prescriber to make sure medications are correct for the client and they are not having adverse side effects.

PATH Mobile Pantry

- Providing immediate needs to our communities:
 - Serving hot meals
 - Non-perishable foods
 - Hygiene supplies
 - Clothes
 - Hats/Gloves
 - Coats
 - Blankets
 - And more!



Success Stories

- Client came to PATH homeless, had nothing but the belongs they carried with them. After working with a PATH provider team, they were able to obtain assistance, a place to live, all of their needs are met. They report that they have not felt "this good about my situation or myself in, I can't remember how long. I am safe and warm for the first time in many years."
- A Guardian of a client who receives services through PATH, at their school; Guardian reports, "(they) are acting so much better, you can see a real difference. (they) are doing so much better at school, the teachers tell me daily how much easier school is for them. I can barely recognize this child. You've changed our lives."



Team Approach

- PATH believes in providing care team to each client. The care team will work together to provide quality care to each individual.
- Care is individualized for each client, allowing the specific needs for each client to be the main focus.

Ward 6 Demographics

Demographics	Ward 6	
Population	20,545	
Under age 18	3,810	18.6%
Ages 18-64	12,892	62.8%
Ages 65+	3,842	18.7%
Race	Count	%
White	3,760	18.3%
Black/African American	14,954	72.8%
Asian-American/Pacific Islander	1,222	6.0%
Other race reported	608	3.0%
Ethnicity	Count	%
Hispanic/Latino (of any race)	412	2.0%

Ward 6 Income, Employment, Poverty

Income, Employment & Poverty	Ward 6		Cleveland
Median Household Income	\$21,490		\$30,907
Employment (Age 16+)	%		%
Labor Force Participation Rate	51.7%		59.1%
Poverty	Count	%	%
Persons living below poverty	7,644	39.5%	32.7%
Children (Age 0-17) below poverty	1,992	54.3%	48.2%
Families with children living below poverty	883	46.0%	41.3%
Older Adults (Age 60+) below poverty	755	21.9%	23.4%
Persons in or near poverty (under 200% of poverty)	12,585	65.0%	57.7%
Persons in deep poverty (under 50% of poverty)	4,171	21.6%	15.2%

Ward 6 Statistics

- **2 in 3 Ward 6 residents, 12,585 total**, live at or below 200% of the Federal Poverty Level, which means they are eligible to receive food bank benefits.
- **54.3% of children in Ward 6, or 1,992 children**, live below the poverty rate.
- **About 3 in 7 households** in Ward 6 live in housing that is unaffordable to them, meaning their housing costs exceed 30% of the gross household income.

Ward 6 Health

Health	Ward 6		Cleveland
No health insurance coverage	1,417	6.9%	7.7%
Medicaid Coverage (alone or in combination)	8,301	40.4%	46.3%
Disability Status (with a disability, all ages)	4,141	20.8%	19.2%
Older Adult Disability Status (with a disability, age 65+)	1,468	42.5%	42.5%
Birth Outcomes	Count	Rate	Rate
Low birthweight (under 5.5 pounds)	194	16.2%	13.7%
Preterm birth (less than 37 weeks)	182	15.2%	14.4%
Teen births (births per 1,000 females ages 15-19)	125	56.9	47

References

- Community Solutions (2021). Cleveland Ward 6 Factsheet. Retrieved from www.communtysolutions.com

Cleveland Board of Zoning Appeals

Old Business



Public Hearing



1.	Cal. No. 22-023:	3105 Franklin Blvd	(KB,TB,AF)
2.	Cal No. 22-031:	4600 Rocky River	(KB,TB, AF)
3.	Cal. No. 22-016	1723 W. 32/Landmarks appl.	(KB,TB,AF)
4.	Cal. No. 22-018:	4420 East 156 St.	(KB,TB,AF,MB)*
5.	Cal. No. 22-013:	1327 W. 102 ST	(KB,TB,AF,MB)*
6.	Cal. No. 22-014:	1250 Riverbed St.	(KB, TB, AF, MB)*
7.	Cal. No. 22-008:	1269 W. 76 Street	(KB,TB, AF, MB)
8.	Cal. No. 21-203:	8502 Hough Ave.	(KB, TB, AF, MB)*
9.	Cal. No. 21-206:	4533 Warner Rd	(KB, TB, AF, MB)*
10.	Cal. No. 21-177:	18403 Euclid Ave.	(KB, TB, MB, AF)*
11.	Cal. No. 21-141:	7202 Hague Ave.	(KB, TB, AF, MB)*
12.	Cal. No. 21-091:	4157 Lorain Ave.	(D,KB,AF,MB)*
13.	Cal. No. 21-006:	9501 Pierpoint Ave.	(J,D,KB,AF,MB)* ^{5/3/21}
14.	Cal. No. 20-098:	1854 W. 48 th Street	(J,D,KB,AF,MB)* ^{8/24/2020 (lot cons)}

REQUESTS FOR AFFIRMATION : None.

REQUEST FOR REHEARING: Received request for Rehearing regarding the Hessler Rd. case and the two others that are part of that project CAL #21-152 etc. Laura Cyrocki is asking for a rehearing; the appeal in the Court of Common Pleas has been withdrawn.

REQUEST FOR UPCOMING POSTPONEMENT: None.

MISC- NO HEARING ON MARCH 28 AND LAURE WAGNER'S LAST HEARING IS TODAY!

- ~ Items received
- * Pending the receipt of requested information by the Board.
- *** Request for Rehearing/Reconsideration.

Cleveland Board of Zoning Appeals

Adjournment

